CPMG / KA / BG-GPO/13/2003-2005

ಸುವರ್ಣ ಕರ್ನಾಟಕ - 2006



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೦	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ನವೆಂಬರ್ ೩, ೨೦೦೫ (ಕಾರ್ತಿಕ ೧೨, ಶಕ ವರ್ಷ ೧೯೨೭)	ಸಂಚಿಕೆ ೪೩

ಭಾಗ - ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 46 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 1ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 29ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1248(E) [F.No.15(12)/2000-Leg.III) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 9th September, 2005

S.O.1248(E).- In exercise of the powers conferred by Sub-section (2) of Section 1 of the Hindu Succession (Amendment) Act, 2005 (39 of 2005), the Central Government hereby appoints the 9th day of September, 2005 as the date on which the said Act shall come into force.

[F.No.15(12)/2000-Leg.III]

N.K. NAMPOOTHIRY, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

PR-181

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 171 ಕೇನಿಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 4ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 7ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR. 568(E) [Notification No.F.No.401/128/2005-CUS.III) ದಿನಾಂಕ: 7.9.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Revenue)
NOTIFICATION
New Delhi, the 7th September, 2005
No.78/2005 CUSTOMS(NT)

G.S.R. 568(E)- In exercise of the powers conferred by Sub-section (1) of Section 11 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary so to do, for the maintenance of security of India, hereby absolutely prohibits import of the book entitled "The True Furqan", sub-titled "The 21st Century Quran" published in the United States of America by Omega, 2000 and Wine Press, including any extract there from, any reprint or translation thereof or any document reproducing any matter contained therein.

[F.No.401/128/2005-Cus.III]
ANUPAM PRAKASH, Under Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

PR-182

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 173 ಕೇನಿಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 1ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 8ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR. 569(E) [Notification No.F.No.460/44/2005-CUS.V) ದಿನಾಂಕ: 8.9.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Revenue)
NOTIFICATION
New Delhi, the 8th September, 2005
No.81/2005 CUSTOMS

G.S.R. 569(E)- In exercise of the powers conferred by Sub-section (1) of Section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts all items of machinery, including prime movers, instruments, apparatus and appliances, control gear and transmission equipment, and auxiliary equipment (including those required for testing and quality control) and components, required for initial setting up of a project for generation of power using non-conventional materials, namely, agricultural, forestry, agro- industrial, industrial, municipal and urban waste, bio waste or poultry litter, failling under any Chapter of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), when imported into India, from so much of the duty of customs leviable thereon which is specified in the said First Schedule as is in excess of 5% ad valorem, subject to the following conditions,-

(i) the importer produces to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, a certificate, from an officer not below the rank of a Deputy Secretary to the Government of India in the Ministry of Non-Conventional Energy Sources to the effect that the goods are required for initial setting up of a project for the generation of power using non-conventional materials, namely, agricultural, forestry, agro-industrial, industrial, municipal and urban waste bio poultry litter and the said officer recommends the grant of this exemption;

(ii) the importer proves to the satisfaction of the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, that there is a valid power purchase agreement between the importer and the purchaser, for the sale and purchase of electricity generated from the non-conventional materials, for a period of not less than ten years from the date of commissioning of the project; and

(iii) the importer furnishes and undertaking to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, that such imported goods will be used for the purpose specified and in the event of his failure to comply with this condition, he shall be liable to pay, in respect of such goods as is not proved to have been so used, an amount equal to the difference between

the duty leviable on such goods but for the exemption under this notification and that already paid at the time of importation.

[F.No.460/44/2005-Cus.V]

AJAY, Under Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

PR-183

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 55 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಜೂನ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Code of Criminal Procedure (Amendment) Act, 2005 (Act No.25 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2005

ARRANGEMENT OF SECTIONS

Sections:

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2005

AN

ACT

further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title and commencement.- This Act may be called the Code of Criminal Procedure (Amendment) Act, 2005.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 20.- In section 20 of the Code of Criminal Procedure, 1973 (2 of 1974) (hereinafter referred to as the principal Act), after sub-section (4), the following sub-section shall be inserted, namely:-

"(4A) The State Government may, by general or special order and subject to such control and directions as it may deem fit to impose, delegate its powers under sub-section (4) to the District Magistrate.".

3. Amendment of section 24.- In section 24 of the principal Act, in sub-section (6), after the proviso, the following Explanation shall be inserted and shall be deemed to have been inserted with effect from the 18th day of December, 1978, namely:-

'Explanation.- For the purposes of this sub-section,-

(a) "regular Cadre of Prosecuting Officers" means a Cadre of Prosecuting Officers which includes therein the post of a Public Prosecutor, by whatever name called, and which provides for promotion of Assistant Public Prosecutors, by whatever name called, to that post;

(b) "prosecuting Officer" means a person, by whatever name called, appointed to perform the functions of a Public Prosecutor, an Additional Public Prosecutor or an Assistant Public Prosecutor under this Code.'.

4. Insertion of new section 25A.- In Chapter II of the principal Act, after section 25, the following section shall be inserted, namely:-

"25A. Directorate of Prosecution.- (1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.

(4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.

(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-section (8), of section 24 to conduct cases in District Courts and every Assistant Public Prossecutor appointed under sub-section (1) of section 25 shall be subordinate to the Deputy Director of Prosecution.

(7) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section not apply to the Advocate General for the State while performing the functions of a Pulbic Prosecutor.".

5. Amendment of section 29.- In section 29 of the principal Act,-

(a) in sub-section (2), for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted;

(b) in sub-section (3), for the words "one thousand rupees", the words "five thousand rupees" shall be substituted.

6. Amendment of section 46.- In section 46 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.".

7. Insertion of new section 50A.- After section 50 of the principal Act, the following section shall be inserted, namely:-

50A. Obligation of person making arrest to inform about the arrest, etc., to a nominated person.- (1) Every police officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information.

(2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.

(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the State Government.

(4) It shall be the duty of the magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person.".

8. Amendment of section 53.-In section 53 of the principal Act, for the Explanation the following Explanation shall be substituted, namely:-

'Explanation.- In this section and in sections 53A and 54,-

(a) "examination" shall include the examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practioner thinks necessary in a particular case;

(b) "registered medical practitioner" means a medical practitioner who possesses any medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 (102 of 1956) and whose name has been entered in a State Medical Register.'.

9. Insertion of new section 53A.- After section 53 of the principal Act, the following section shall be inserted, namely:-

"53A. Examination of person accused of rape by medical practitioner.- (1) When a person is arested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometres from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of a police officer not below the rank of a sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.

(2) The rgistered medical practioner conducting such examination shall, without delay, examine such person and prepare a report of his examination giving the following particulars, namely:-

(i) the name and address of the accused and of the person by whom he was brought,

(ii) the age of the accused,

(iii) marks of injury, if any, on the person of the accused,

(iv) the description of material taken from the person of the accused for DNA profiling, and

(v) other material particulars in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.

(4) The exact time of commencement and completion of the examination shall also be noted in the report.

(5) The registered medical practitioner shall, without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.".

10. Amendment of section 54.- Section 54 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the registered medical practitioner to the arrested person or the person nominated by such arrested person.".

11. Insertion of new section 54A.- After section 54 of the principal Act, the following section shall be inserted, namely:-

"54A. Indentification of person arrested.- Where a person is arrested on a charge of committing an offence and his identification by any other person or person is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction may, on the request of the officer in charge of a police station, direct the person so arrested to subject himself to identification by any person or persons in such manner as the Court may deem fit.".

12. Amendment of section 82.- In section 82 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:-

"(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under section 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459, 459 or 460 of the Indian Penal Code, (45 of 1860) and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).".

13. Amendment of section 102.- In section 102 of the principal Act,-

(a) in sub-section (3), after the words "transported to the Court", the words "or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation" shall be inserted;

(b) after sub-section (3), the following proviso shall be added at the end, namely:-

"Provided that where the property seized under sub-section (1) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale.".

14. Amendment of section 110.- In section 110 of the principal Act, in clause (f), sub-clause (i),-

(i) in item (g), the word "or" shall be omitted;

(ii) after item (g), the following item shall be inserted, namely:-

"(h) the Foreigners Act, 1946 (31 of 1946); or".

15. Amendment of section 122.- In section 122 of the principal Act, in sub-section (1), in clause (b), for the words "bond without sureties", the words "bond, with or without sureties," shall be substituted.

16. Insertion of new section 144A.- In Chapter X of the principal Act, under sub-heading "C.- Urgent cases of nuisance or apprehended danger", after section 144, the following section shall be inserted, namely:-

"144A. Power to prohibit carrying arms in procession or mass drill or mass training with arms.- (1) The District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any procession or the organising or holding of, or taking part in, any mass drill or mass training with arms in any public place.

(2) A public notice issued or an order made under this section may be directed to a particular person or to persons belonging to any community, party or organisation.

(3) No public notice issued or an order made under this section shall remain in force for more than three months from the date on which it is issued or made.

(4) The State Government may, if it considers necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by notification, direct that a public notice issued or order made by the District magistrate under this section shall remain in force for such further period not exceeding six months from the date on which such public notice or order was issued or made by the District Magistrate would have, but for such direction, expired, as it may specify in the said notification.

(5) The State Government may, subject to such control and directions as it may deem fit to impose, by general or special order, delegate its powes under sub-section (4) to the District Magistrate.

Explanation.- The word "arms" shall have the meaning assigned to it in section 153AA of the Indian Penal Code (45 of 1860).'.

17. Insertion of new section 164A.- After section 164 of the principal Act, the following section shall be inserted, namely:-

'164A. Medical examination of the viction of rape.- (1) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run byu the Government or a local authority and in the abbsence of such a practitioner, by any other registered medical practitioner, with the consent of such woman or of a person competent to give suich consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four fours from the time of receiving the information relating to the commission of such offence.

(2) The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely:-

(i) the name and address of the woman and of the person by whom she was brought;

(ii) the age of the woman;

(iii) the description of material taken from the person of the woman for DNA profiling;

(iv) marks of injury, if any, on the person of the woman;

(v) general mental condition of the woman; and

(vi) other material particulars in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.

(4) The report shall specifically record that the consent of the woman or of the person competent to give such consent on her behalf to such examination had been obtained.

(5) The exact time of commencement and completion of the examination shall also be noted in the report.

(6) The registered medical practitioner shall, without delay forward the report to the investigating officer who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.

(7) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.

Explanation.- For the purposes of this section, "examination" and "registered medical practitioner" shall have the same meanings as in section 53.'.

18. Amendment of section 176.- In section 176 of the principal Act,-

(i) in sub-section (1), the words "where any person dies while in the custody of the police or" shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) Where,-

(a) any person dies or disappears, or

(b) rape is alleged to have been committed on any woman,

while such person or woman is in the custody of the police or in any other custody authorised by the Magistrate or the Court, under this Code, in addition to the inquiry or investigation held by the police,

an inquiry shall be held by the Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within whose local jurisdiction the offence has been committed.".;

(iii) after sub-section (4), before the Explanation, the following sub-section shall be inserted, namely:-

"(5) The Judicial Magistrate or the Metropolitan Magisrate or Executive Magistrate or police officer holding an inquiry or investigation, as the case may be, under sub-section (1A) shall, within twenty-four hours of the death of a person, forward the body with a view to its being examined to the nearest Civil Surgeon or other qualified medical person appointed in this behalf by the State Government, unless it is not possible to do so for reasons to be recorded in writing.".

19. Amendment of section 202.- In section 202 of the principal Act, in sub-section (1), after the words "may, if the thinks fit,", the following shall be inserted, namely:-

"and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction,".

20. Amendment of section 206.- In section 206 of the principal Act, in sub-section (1),-

(a) in the opening paragraph, after the words and figures "under section 260", the words and figures "or section 261" shall be inserted;

(b) in the proviso, for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

21. Amendment of section 223.- In section 223 of the principal Act, in the proviso,-

(a) for the word "Magistrate", the words "Magistrate or Court of Session" shall be substituted;

(b) for the words "if he is satisfied", the words "if he or it is satisfied" shall be substituted.

22. Amendment of section 228.- In section 228 of the principal Act, in sub-section (1), in clause (a), for the words "and thereupon the Chief Judicial Magistrate", the words "or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate" shall be substituted.

23. Amendment of section 260.- In section 260 of the principal Act, in sub-section (1),-

(a) for the words "two hundred rupees", wherever they occur, the words "two thousand rupees" shall be substituted;

(b) in clause (vi), for the words "criminal intimidation", the words "criminal intimidation punishable with imprisonment for a term which may extend to two years, or with fine, or with both" shall be substituted.

24. Insertion of new section 291A.- After section 291 of the principal Act, the following section shall be inserted, namely:-

"291A. Identification report of Magistrate.- (1) Any document purporting to be a report of identification under the hand of an Executive Magistrate in respect of a person or property may be used as evidence in any inquiry, trial or other proceeding under this Code, although such Magistrate is not called as a witness:

Provided that where such report contains a statement of any suspect or witness to which the provisions of section 21, section 32, section 33, section 155 or section 157, as the case may be, of the Indian Evidence Act, 1872 (1 of 1872), apply, such statement shall not be used under this sub-section except in accordance with the provisions of those sections.

(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or of the accused, summon and examine such Magistrate as to the subject matter of the said report.".

25. Amendment of section 292.- In section 292 of the principal Act,-

(a) in sub-section (1), after the words "the Mint", the words "or of the Currency Note Press or of the Bank Note Press or of the Security Printing Press" shall be inserted;

(b) in sub-section (3), for words "the Master of the Mint, or the India Security Press", the words "the General Manager of the Mint or of the Currency Note Press or of the Bank Note Press or of the Security Printing Press or of the India Security Press" shall be substituted.

26. Amendment of section 293.- In section 293 of the principal Act, in sub-section (4),-

(a) for clause (b), the following clause shall be substituted, namely:-

"(b) the Chief Controller of Explosives;";

(b) after clause (f), the following clause shall be added, namely:-

"(g) any other Government scientific expert specified, by notification, by the Central Government for this purpose.".

27. Insertion of new section 311A.- After section 311 of the principal Act, the following section shall be inserted, namely:-

"311A. Power of Magistrate to order person to give specimen signatures of handwriting.- If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Code, it is expedient to direct any person, including an accused person, to give specimen signatures or handwriting, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or handwriting:

Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.".

28. Amendment of section 320.- In section 320 of the principal Act, in the Table under sub-section (2),-

(a) the words "Voluntarily causing hurt by dangerous weapons or means" in column 1 and the entries relating thereto in columns 2 and 3 shall be omitted;

(b) incolumn 3, for the word "Ditto", against the entry relating to section 325, the words "The person to who the hurt is caused" shall be substituted;

(c) in column 1, for the words "two hundred and fifty rupees", wherever they occur, the words "two thousand rupees" shall be substituted.

29. Amendment of section 356.- In section 356 of the principal Act, in sub-section (1),-

(a) after the words, figures and letter "or section 489D", the words, figures and brackets "or section 506 (in so far as it relates to criminal intimidationpunishable with imprisonment for a term which may extend to seven years or with fine or with both)" shall be inserted;

(b) after the work and figures "Chapter XII", the words and figures "or Chapter XVI" shall be inserted.

30. Amendment of section 358.- In section 358 of the principal Act, in sub-section (1) and (2), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

31. Amendment of section 377.- In section 377 of the principal Act,-

(a) in sub-sections (1) and (2), for the words "an appeal to the High Court against the sentence on the ground of its inadequacy", the following shall be substituted, namely:-

"an appeal against the sentence on the ground of its inadequacy-

(a) to the Court of Session, if the sentence is passed by the Magistrate; and

(b) to the High Court, if the sentence is passed by any other Court";

(b) in sub-section (3), for the words "the High Court", the words "the Court of Session or, as the case may be, the High Court" shall be substituted.

32. Amendment of section 378.- In section 378 of the principal Act,-

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Save as otherwise provided in sub-section (2), and subject to the provisions of sub-section (3) and (5),-

(a) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) the State Government may, in any case, direct the Public Prosecutor to persent an appeal to the High Court from an original or appeallate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision.".

(ii) in sub-section (2), for the portion beginning with the words "the Central Government may" and ending with the words "the order of acquittal", the following shall be substituted, namely:-

"the Central Government may, subject to the provisions of sub-section (3), also direct the Public Prosecutor to present an appeal-

(a) to the Court of Session, from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision";

(iii) in sub-section (3), for the words "No appeal", the words "No appeal to the High Court" shall be substituted.

33. Amendment of section 389.- In section 389 of the principal Act, to sub-section (1), the following provisos shall be added, namely:-

"Provided that the Appellate Court shall, before releasing on bail or on his own bond a convicted person who is convicted of an offence punishable with death or imprisonment for life or imprisonment for a term of not less than ten years, shall give opportunity to the Public Prosecutor for showing cause in writing against such release:

Provided further that in cases where a convicted person is released on bail it shall be open to the Public Prosecutor to file an application for the cancellation of the bail."

34. Amendment of section 428.- To section 428 of the principal Act, the following proviso shall be added, namely:-

"Provided that in cases referred to in section 433A, such period of detention shall be set off against the period of fourteen years referred to in that section.".

35. Amendment of section 436.- In section 436 of the principal Act, in sub-section (1),-

(a) in the first proviso, for the words "may, instead of taking bail", the words "may, and shall, if such person is indigent and is unable to furnish surety, instead of taking bail" shall be substituted;

(b) after the first proviso, the following Explanation shall be inserted, namely:-

"Explanation.- Where a person is unable to give bail within a week of the date of his arrest, it shall be a sufficient ground for the officer or the Court to presume that he is an indigent person for the purposes of this proviso.".

36. Insertion of new section 436A.- After section 436 of the principal Act, the following section shall be inserted, namely:-

"436A. Maximum period for which an undertrial prisoner can be detained.- Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation.- In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.".

37. Amendment of section 437.- In section 437 of the principal Act,-

(i) in sub-section (1),-

(a) in clause (ii), for the words "a non-bailable and cognizable offence", the words "a cognizable offence punishable with imprisonment for three years or more but not less than seven years" shall be substituted;

(b) after the third proviso, the following proviso shall be inserted, namely:-

"Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.".

(ii) in sub-section (3), for the portion beginning with the words "the Court may impose" and ending with the words "the interests of justice", the following shall be substituted, namely:-

"the Court shall impose the conditions,-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence,

and may also impose, in the interests of justice, such other conditions as it considers necessary".

38. Amendment of section 438.- In section 438 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:-

"(1) Where any person has reason to believe that the may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, inter alia, the following factors, namely:-

(i) the nature and gravity of the accusation;

(ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested,

either reject the application forthwith or issue an interim order for the grant of anticipatory bail:

Provided that, where the High Court or, as the case may be, the Court of Session, has not passed any interim order under this sub-section or has rejected the application for grant of anticipatory bail, it shall be open to an officer in-charge of a police station to arrest, without warrant the applicant on the basis of the accusation apprehended in such application.

(1A) Where the Court grant an interim order under sub-section (1), it shall forthwith cause a notice being not less than seven days notice, together with a copy of such order to be served on the Public Prosecutor and the Superintendent of Police, with a view to give the Public Prosecutor a reasonable opportunity of being heard when the application shall be finally heard by the Court.

(1B) The presence of the applicant seeking anticipatory bail shall be obligatory at the time of final hearing of the application and passing of final order by the Court, if on an application made to it by the Public Prosecutor, the Court considers such presence necessary in the interest of justice.".

39. Insertion of new section 441A.- After section 441 of the principal Act, the following section shall be inserted, namely:-

"441A. Declaration by sureties.- Every person standing surety to an accused person for his release on bail, shall make a declaration before the court as to the number of persons to whom he has stood surety including the accused, giving therein all the relevant particulars.".

40. Amendment of section 446.- In section 446 of the principal Act, in sub-section (3), for the words "at its discretion", the words "after recording its reasons for doing so" shall be substituted.

41. Amendment of section 459.- In section 459 of the principal Act, for the words "less than ten rupees", the words "less than five hundred rupees" shall be substituted.

42. Amendment of the Schedule.- In the First Schedule to the principal Act, under the heading "I.-OFFENCES UNDER THE INDIAN PENAL CODE",-

(a) after the entries relating to section 153A, the following entries shall be inserted, namely:-

1	2	3	4	5	6
"153AA	Knowingly carrying arms in any procession or organising or holding or taking part in any mass drill or mass training with arms	Imprisonment for 6 months and fine of 2,000 rupees	Ditto	Ditto	Any Magistrate.";

(b) in the 6th column, in the entries relating to section 153B, for the word "Ditto", the words "Magistrate of the first class" shall be substituted;

(c) after the entries relating to section 174, the following entries shall be inserted, namely:-

1	2	3	4	5	6
"174A	Failure to appear at specified place and specified time as required by a proclamation published under sub-section (1) of section 82 of this Code	Imprisonment for 3 years or with fine, or with both	Cognizable	Non-bailable	Magistrate of the first class.
	In a case where declaration has been made under sub-section (4) of section 82 of this Code pronouncing a person as proclaimed offender	Imprisonment for 7 years and fine	Ditto	Ditto	Ditto,";

(d) in the entries relating to section 175,-

(i) in the 4th column, for the word "Ditto", the word "Non-cognizable";

(ii) in the 5th column, for the word "Ditto", the word "Bailable",

shall be substituted;

(e) after the entries relating to section 229, the following entries shall be inserted, namely:-

1	2	3	4	5	6
"229A	Failure by person released on bail or bond to appear in Court	Imprisonment for 1 year, or fine, or both	Cognizable	Non-bailable	Any Magistrate.";

(f) in the 5th column, in the entries relating to-

(i) section 274, for the word "Ditto", the word "Non-bailable" shall be substituted;

(ii) section 275, for the word "Ditto", the word "Bilable" shall be substituted;

(iii) section 324, for the word "Ditto", the word "Non-bailable" shall be substituted;

(iv) section 325, for the word "Ditto", the word "Bailable" shall be substituted;

(v) section 332, for the word "Bailable", the word "Ditto" shall be substituted;

(vi) section 333, for the word "Non-bailable", the word "Ditto" shall be substituted;

(vii) section 353, for the word "Ditto", the word "Non-bailable" shall be substituted;

(viii) section 354, for the word "Ditto", the word "Bailable" shall be substituted;

43. Amendment of the Second Schedule.- In the Second Schedule to the principal Act, in Form No.45, after the words and figures "See section 436,", the figures and letter "436A," shall be inserted.

44. Amendment of Act 45 of 1860.- In the Indian Penal Code,-

(a) after section 153A, the following section shall be inserted, namely:-

'153AA. Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms.- Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or mass training with arms in any public place in contravention of any public notice or order issued or made under section 144A of the Code of Criminal Procedure, 1973 (2 of 1974) shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.

Explanation.- "Arms" means articles of any description designed or adapted as weapons for offence or defence and includes fire arms, sharp edged weapons, lathis, dandas and sticks.';

(b) after section 174, the following section shall be inserted, namely:-

"174A. Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.-Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term which may extend to three years or with fine or with both, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender, he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.";

(c) after section 229, the following section shall be inserted, namely:-

"229A. Failure by person released on bail or bond to appear in Court.- Whoever, having been charged with an offence and released on bail or on bond without sureties, fails without suficient cause (the burden of proviing which shall lie upon him), to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Explanation.- The punishment under this section is-

(a) in addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and

(b) without prejudice to the power of the Court to order for feiture of the bond.".

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

PR-187

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 48 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಜೂನ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Private Security Agencies (Regulation) Act, 2005 (Central Act No.29 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE PRIVATE SECURITY AGENCIES (REGULATION) ACT, 2005

ARRANGEMENT OF SECTIONS

Sections:

THE PRIVATE SECURITY AGENCIES (REGULATION) ACT, 2005

AN

ACT

to provide for the regulation of private security agencies and for matters connected therewith or incidental thereto.

Be it enacted by parliament in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Private Security Agencies (Regulation) Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "armoured car service" means the service provided by deployment of armed guards along with armoured car and such other related services which may be notified by the Central Government or as the case may be, the State Government from time to time;

(b) "Controlling Authority" means the Controlling Authority appointed under sub-section (1) of section 3;

(c) "licence" means a licence granted under sub-section (5) of section 7;

(d) "notification" means a notification published in the Official Gazette;

(e) "prescribed' means prescribed by rules made under this Act;

(f) "Private security" means security provided by a person, other than a public servant, to protect or guard any person or property or both and includes provision of armoured car service;

(g) "private security agency" means a person or body of person other than a government agency, department or organisation engaged in the business of providing private security services including training to private security guards or their supervisor or providing private security guards to any industrial or business undertaking or a company or any other person or property;

(h) "private security guard" means a person providing private security with or without arms to another person or property or both and includes a supervisor;

(i) "State Government", in relation to a Union terriroty, includes the Administrator of that Union territory appointed by the President under article 239 of the Constitution.

3. Appointment of Controlling Authority.- (1) The State Government shall, by notification, designate an officer not below the rank of a Joint Secretary in the Home Department of the State or an equivalent officer to be the Controlling Authority for the purposes of this Act.

(2) The State Government may, for efficient discharge of functions by the Controlling Authority, provide it with such other officers and staff as that Government considers necessary.

4. Persons or Private Security Agency not to engage or provide private security guard without licence.- No person shall carry on or commence the business of private security agency, unless he holds a licence issued under this Act:

Provided that the person carrying on the business of private security agency, immediately before the commencement of this Act, may continue to do so for a period of one year from the date of such commencement and if he has made an application for such licence within the said period of one year, till the disposal of such application:

Provided further that no private security agency shall provide private security abroad without obtaining permission of the Controlling Authority, which shall consult the Central Government before according such permission.

5. Eligibility for licence.- An application for issue of a licence under this Act shall only be considered from a person after due verification of his antecedents.

6. Persons not eligible for licence.- (1) A person shall not be considered for issue of a licence under this Act, if he has been-

(a) convicted of an offence in connection with promotion, formation or management of a company (any fraud or misfeasance committed by him in relation to the company), including an undischarged insolvent; or

(b) convicted by a competent court for an offence, the prescribed punishment for which is imprisonment of not less than two years; or

(c) keeping links with any organisation or association which is banned under any law on account of their activities which pose threat to national security or public order or there is information about such a person indulging in activities which are prejudicial to national security or public order; or

(d) dismissed or removed from Government service on grounds of misconduct or moral turpitude.

(2) A company, firm or an association of persons shall not be considered for issue of a licence under this Act, if, it is not registered in India, or having a proprietor or a majority shareholder, partner or director, who is not a citizen of India.

7. Application for grant of licence.- (1) An application for grant of licence to a private security agency shall be made to the Controlling Authority in such form as may be prescribed.

(2) The applicant shall submit an affidavit incorporating the details in relation to the provisions contained in section 6, ensure the availability of the training for its private security guards and supervisors

required under sub-section (2) of section 9, fulfilment of conditions under section 11 and of cases registered with police or pending in a court of law involving the applicant.

(3) Every application under sub-section (1) shall be accompanied by a fee of-

(a) rupees five thousand if the private security agency is operating in one district of a State;

(b) rupees ten thousand if the agency is operating in more than one but up to five districts of a State; and

(c) rupees twenty-five thousand if it is operating in the whole State.

(4) On receipt of an application under sub-section (1), the Controlling Authority may, after making such inquiries as it considers necessary and obtaining no objection certificate from the concerned police authority,by order in writing, either grant a licence or refuse to grant the same within a period of sixty days from the date of receipt of application with complete particulars and the proscribed fee:

Provided that no order of refusal shall be made unless-

(a) the applicant has been given a reasonable opportunity of being heard; and

(b) the grounds on which licence is refused is mentioned in the order.

(5) A licence granted under this section-

(a) shall be valid for a period of five years unless the same is cancelled under sub-section (1) of section 13;

(b) may be renewed from time to time after the expiry of five years, for a further period of five years on payment of such fee as may be prescribed; and

(c) shall be subject to such conditions as may be prescribed.

8. Renewal of licence.- (1) An application for renewal of licence shall be made to the Controlling Authority, not less than forty-five days before the date of expiry of the period of validity thereof, in such form as may be prescribed and shall be accompanied by the requisite fee and other documents required under sections 6, 7 and 11 of this Act.

(2) The Controlling Authority shall pass an order on application for renewal of licence within thirty days from the date of receipt of application complete in all respects.

(3) On receipt of an application under sub-section (1), the Controlling Authority may, after making such inquiries as he considers necessary and by order in writing, renew the licence or refuse to renew the same:

Provided that no order of refusal shall be made except after giving the applicant a reasonable opportunity of being heard.

9. Conditions for commencement of operation and engagement of supervisors.- (1) Every private security agency shall, within six months of obtaining the licence, commence its activities.

(2) Every private security agency shall ensure imparting of such training and skills to its private security guards and supervisors as may be prescribed:

Provided that the person carrying on the business of private security agency, before the commencement of this Act, shall ensure the required training to its security guards and supervisors within a period of one year from the date of such commencement.

(3) Every private security agency shall, within sixty days from the date of issue of the licence, employ such number of supervisors, as may be prescribed.

(4) A private security agency shall not employ or engage a person as a supervisor unless he fulfils the conditions specified in sub-section (1) of section 10.

(5) While engaging a supervisor of private security guards, every private security agency shall give preference to a person who has experience of serving in the Army, Navy, Air force or any other Armed forces of the Union or State Police including armed constabularies and Home Guards for a period of not less than three years.

10. Eligibility to be a private security guard.- (1) A private security agency shall not employ or engage any person as a private security guard unless he-

(a) is a citizen of India or a citizen of such other country as the Central Government may, by notification in the Official Gazette, specify;

(b) has completed eighteen years of age but has not attained the age of sixty-five years;

(c) satisfies the agency about his character and antecedents in such manner as may be prescribed;

(d) has completed the prescribed security training successfully;

(e) fulfils such physical standards as may be prescribed; and

(f) satisfies such other conditions as may be prescribed.

(2) No person who has been convicted by a competent court or who has been dismissed or removed on grounds of misconduct or moral turpitude while serving in any of the armed forces of the Union, State Police Organisations, Central Or State Governments or in any private security agency shall be employed or angaged as a private security guard or a supervisor.

(3) Every private security agency may, while employing a person as a private security guard, give preference to a person who has served as a member in one or more of the following, namely:-

(i) Army;

(ii) Navy;

(iii) Air Force;

(iv) any other armed forces of the Union;

(v) Police, including armed constabularies of States; and

(vi) Home Guards.

11. Conditions of licence.- (1) The State Government may frame rules to prescribe the conditions on which licence shall be granted under this Act and such conditions shall include requirements as to the training whihc the licensee is to undergo, details of the person or persons forming the agency, obligation as to the information to be provided from time to time to the Controlling Authority regarding any change in their address, change of management and also about any criminal charge made against them in the course of their performance of duties of the private security agency or as the case may be, a private security guard employed or engaged by them.

(2) The State Government may make provision in the rules to verify about imparting of required training by the private security agency under sub-section (2) of section 9 and to review continuation or otherwise of licence of such private security agency which may not have adhered to the condition of ensuring the required training.

12. Licence to be exhibited.- Every private security agency shall exhibit its licence or copy thereof in a conspicuous place of its business.

13. Cancellation and suspension of licence.- (1) The Controlling Authority may cancel any licence on any one or more of the following grounds, namely:-

(a) that the licence has been obtained on misrepresentation or suppression of material facts;

(b) that the licence holder has used false documents or photographs;

(c) that the licence holder has violated the provisions of this Act or the rules made thereunder or any of the conditions of the licence;

(d) that the licence holder has misused information obtained by him during the discharge of his duties as the private security agency to any industrial or business undertaking or a company or any other person;

(e) that the licence holder by using any letter-head, advertisement or any other printed matter or in any other manner represented that the private security agency is an instrumentality of the Government or such agency is or has been using a name different from that for which licence has been granted;

(f) that the licence holder is or has been impersonating or permitting or aiding or abetting any body to impersonate as a public servant;

(g) that the private security agency had failed to commence its activities or to engage a supervisor within the specified time period;

(h) that the licence holder is or has wilfully failed or refused to render the services agreed to any person;

(i) that the licence holder has done any act which is in violation of a court order or an order of a lawful authority or is or has been advising, incouraging or assisting anyu person to violate any such order;

(j) that the licence holder has violated the provisions of the Acts given in the Schedule which may be modified by the Central Government, by notification in the Official Gazette;

(k) that there have been repeated instances when the private security guard or guards provided by the private security agency-

(i) failed to provide private security or were guilty of gross negligence in not providing such security;
(ii) committed a breach of trust or misappropriated the property or a part thereof which they were supposed to protect;
(iii) were found habitually drunk or indisciplined;
(iv) were found to be involved in committing crimes; or
(v) had connived or abetted a crime against the person or property placed under their charge; or

(l) that the licence holder has done any act which poses a threat to national security, or did not provide assistance to the police or other authority in the discharge of its duties or acted in a manner prejudicial to national security or public order or law and order.

(2) Where the Controling Authority, for reasons to be recorded in writing, is satisfied that pending the question of cancelling of licence on any of the grounds mentioned in sub-section (1), it is necessary to do so, that Controlling Authority may, by order in writing, suspend the operation of the licence for such period not exceeding thirty days as may be specified in the order and require the licence holder to show cause, within fifteen days from the date of issue of such order, as to why the suspension of the licence should not be extended till the determination of the question of cancellation.

(3) Every order of suspending or cancelling of a licence shall be in writing and shall specify the reasons for such suspension or cancellation and a copy thereof shall be communicated to the person affected.

(4) No order of cancellation of licence under sub-section (1) shall be made unless the person concerned has been given a reasonable opportunity of being heard.

14. Appeals.- (1) Any person aggrieved by an order of the Controlling Authority refusing the licence under sub-section (4) of section 7 or renewal under sub-section (3) of section 8 or order of suspension of licence under sub-section (2) of section 13 or cancellation of licence under sub-section (1) of that section, may prefer an appeal against that order to the Home Secretary of the State Government within a period of sixty days of the date of such order:

Provided that an appeal may be admitted after the expiry of the said period of sixty days if the appellant satisfies the State Government that he has sufficient cause for not preferring the appeal within that period.

(2) Every appeal under sub-section (1) shall be made in such form as may be prescribed and shall be accompanied by a copy of the order appealed against.

(3) Before disposing of an appeal, the State Government shall give the appellant a reasonable opportunity of being heard.

15. Register to be maintained by a private security agency.- (1) Every private security agency shall maintain a register containing-

(a) the names and addresses of the persons managing the private security agency;
(b) the names, addresses, photographs and salaries of the private security guards and supervisors under its control;
(c) the names and addresses of the persons whom it had provided private security guards or services; and
(d) such other particulars as may be prescribed.

(2) The controlling Authority may calll for such information as it considers necessary from any private security agency, supervisor or private security guard to ensure due compliance of the Act.

16. Inspection of licence, etc.- The Controlling Authority or any other officer authorised by it in this behalf may at any reasonable time, enter the premises of the private security agency and inspect and examine the place of business, the records, accounts and other documents connected with the licence and may take copy of any document.

17. Issue of photo identity card.- (1) Every private security guard shall be issued a photo identity card, by the private security agency employing or engaging the guard.

(2) The photo identity card under sub-section (1) shall be issued in such form as may be prescribed.

(3) Every private security guard or supervisor shall carry on his person the photo identity card issued under sub-section (1) and shall produce it on demand for inspection by the Controlling Authority or any other officer authorised by it in this behalf.

18. Disclosure of information to unauthorised person.- (1) Any person who may be or has been employed or engaged as a private security guard by the private security agency shall not divulge to anyone other than the employer, or in such manner and to such person as the employer directs, any information acquired by him during such employment with respect to the work which he has been assigned by such employer, except such disclosure as may be required under this Act or in connection with any inquiry or investigation by the police or as may be required by an authority or process of law.

(2) All private security guards of a private security agency shall render necessary assistance to the police or to such authority in the process of any investigation pertaining to the activities of that agency.

(3) If violation of any law is noticed by any private security guard during the course of discharge of his duties, he shall bring it to the notice of his superior, who in turn shall inform the police either through his employer or agency or on his own.

19. Delegation.- The State government may, by notification, direct that any power or function (except the powers to make rules under section 25)-

(a) which may be exercised or performed by it, or

(b) which may be exercised or performed by the Controlling Authority,

under this Act, may, in relation to such matter and subject to such conditions, if any, as may be specified in the notification, be also exercised or performed by such officer or authority subordinate to the Government or officer subordinate to the Controlling Authority, as may be specified in such notification.

20. Punishment for contravention of certain provisions.- (1) Any person who contravenes the provisions of section 4 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to twenty-five thousand rupees, or with both.

(2) Any person or private security agency who contravenes, the provisions of sections 9, 10 and 12 of the Act, shall be punishable with a fine which may extend to twenty-five thousand rupees, in addition to suspension or cancellation of the licence.

21. Penalty for unauthorised use of certain uniforms.- If any private security guard or supervisor wears the uniform of the Army, Air force, Navy or any other armed forces of the Union or Police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he and the proprietor of the private security agency shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both.

22. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

23. Indemnity.- No suit, prosecution or other legal proceeding shall lie against the Controlling authority or any other officer authorised by it in respect of anything in good faith done or intended to be done under this Act.

24. Framing of model rules for adoption by States.- The Central Government may frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this Act, and where any such model rules have been framed the State Government shall, while making any rules in respect of that matter under section 25, so far as is practicable, conform to such model rules.

25. Power of State Government to make rules.- (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the procedure for verification of character and antecedents under clause (c) of sub-section (1) of section 10; the type of training under clause (d) of sub-section (1) of section 10; the physical standard under clause (e) of sub-section (1) of section 10; and other conditions under clause (f) of sub-section (1) of section 10;
(b) the number of supervisors to be employed under sub-section (3) of section 9;
(c) the form of an application for grant of licence under sub-section (1) of section 7;
(d) the form in which the licence to be granted under sub-section (4) of section 7 and conditions subject to which such licence to be granted under section 11;
(e) the form of an application for renewal of licence under sub-section (1) of section 8;
(f) the form under sub-section (2) of section 14 for preferring an appeal;
(h) the form in which photo identity card under sub-section (2) of section 17 be issued;
(i) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

(4) In respect of Union territories, every rule made to carry out the provisions of the Act shall be laid before each House of Parliament and where there exists a Legislative Assembly, before that Assembly.

THE SCHEDULE
[See section 13 (1)(j)]

(1) The Payment of Wages Act, 1936 (4 of 1936).
(2) The Industrial Disputes Act, 1947 (14 of 1947)
(3) The Minimum Wages Act,1948 (11 of 1948).
(4) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).
(5) The Payment of Bonus Act, 1965 (21 of 1965).
(6) The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).
(7) The Payment of Gratuity Act, 1972 (39 of 1972).
(8) The Equal Remuneration Act, 1976 (25 of 1976).
(9) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979 (30 of 1979).

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
PR-186
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 57 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಮೇ 24ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Prevention of Money-Laundering (Amendment) Act, 2005 (Act No.20 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2005

AN

ACT

to amend the Prevention of Money-laundering Act, 2002

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the Prevention of Money-laundering (Amendment) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Amendment of section 2.- In section 2 of the Prevention of Money-laundering Act, 2002 (15 of 2003) (hereinafter referred to as the principal Act), after clause (n), the following clause shall be inserted, namely:-

'(na) "investigation" includes all the proceedings under this Act conducted by the Director or by an authority authorised by the Central Government under this Act for the collection of evidence;'.

3. Amendment of section 28.- In section 28 of the principal Act,-

(a) in sub-section (1), for the words "High Court", the words "High Court or is qualified to be a Judge of the High Court" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) The Chairperson or a Member holding a post as such in any other Tribunal, established under any law for the time being in force, in addition to his being the Chairperson or a Member of that Tribunal, may be appointed as the Chairperson or a Member, as the case may be, of the Appellate Tribunal under this Act.".

4. Omission of section 29.- Section 29 of the principal Act shall be omitted.

5. Amendment of section 30.- In section30 of the principal Act, for the words "terms and conditions of service", at both the places where they occur, the words and brackets "terms and conditions of service (including tenure of office)" shall be substituted.

6. Amendment of section 44.- In section 44 of the principal Act, in sub-section (1), in clause (b), the words "upon perusal of police report of the facts which constitute an offence under this Act or" shall be omitted.

7. Amendment of section 45.- In section 45 of the principal Act,-

(a) in sub-section (1), for the portion beginning with the words and figures "Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)" and ending with the words "on his own bond unless-", the following shall be substituted, namely:-

"Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no person accused of an offence punishable for a term of imprisonment of more than three years under Part A of the Schedule shall be released on bail or on his own bond unless-";

(b) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or any other provision of this Act, no police officer shall investigate into an offence under this Act unless specifically authorised, by the Central Government by a general or special order, and, subject to such conditions as may be prescribed.";

(c) in sub-section (2), the words, brackets and letter "clause (b) of" shall be omitted.

8. Amendment of section 73.- In section 73 of the principal Act, in sub-section (2),-

(a) in clause (s), for the words "terms and conditions of service", the words and brackets "terms and conditions of service (including tenure of office)" shall be substituted;

(b) after clause (u), the following clause shall be inserted, namely:-

"(ua) conditions subject to which a police officer may be authorised to investigate into an offence under sub-section (1A) of section 45,".

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

PR-189

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 58 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಜೂನ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Credit Information Companies (Regulation) Act, 2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CREDIT INFORMATION COMPANIES (REGULATION) ACT, 2005

ARRANGEMENT SECTION

CHAPTER-I

PRELIMINARY

Section:-

THE CREDIT INFORMATION COMPANIES (REGULATION) ACT, 2005

AN

ACT

to provide for regulation of credit information companies and to facilitate effecient distribution of credit and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Credit Information Companies (Regulation) Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "board" means the Board of directors of a credit information company;

(b) "borrower" means any person who has been granted loan or any other credit facility by a credit institution and includes a client of a credit of a credit institution;

(c) "client" includes-

(i) a guarantor or a person who proposes to give guarantee or security for a borrower of a credit institution; or

(ii) a person-

(A) who has obtained or seeks to obtain financial assistance from a credit institution, by way of loans, advances, hire purchase, leasing facility, letter of credit, guarantee facility, venture capital assistance or by way of credit cards or in any other form or manner;

(B) who has raised or seeks to raise money by issue of security as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), or by issue of commercial paper, depository receipt or any other instrument;

(C) whose financial standing has been assessed or is proposed to be assessed by a credit institution or any other person or institution as may, by notification, be directed by the Reserve Bank;

(d) "credit information" means any information relating to-

(i) the amounts and the nature of loans or advances, amounts outstanding under credit cards and other credit facilities granted or to be granted, by a credit institution to any borrower;

(ii) the nature of security taken or proposed to be taken by a credit institution from any borrower for credit facilities granted or proposed to be granted to him;

(iii) the guarantee furnished or any other non-fund based facility granted or proposed to be granted by a credit institution for any of its borrowers;

(iv) the credit worthiness of any borrower of a credit instituion;

(v) any other matter which the Reserve Bank may, consider necessary for inclusion in the credit information to be collected and maintained by credit information companies, and, specify, by notification, in this behalf;

(e) "credit information company" means a company formed and registered under the companies Act, 1956 (1 of 1956) and which has been granted a certificate of registration under sub-section (2) of section 5;

(f) "credit instituion" means a banking company and includes-

(i) a corresponding new bank, the State Bank of India, a subsidiary bank, a co-operative bank, the National Bank and regional rural bank;

(ii) a non-banking financial company as defined under clause (f) of section 45-I of the Reserve Bank of India Act, 1934 (2 of 1934);

(iii) a public financial institution referred to in section 4A of the Companies Act, 1956 (1 of 1956);

(iv) the financial corporation established by a State under section 3 of the State Financial Corporation Act, 1951 (63 of 1951);

(v) the housing finance institution referred to in clause (d) of section 2 of the National Housing Bank Act, 1987 (53 of 1987);

(vi) the companies engaged in the business of credit cards and other similar cards and companies dealing with distribution of credit in any other manner;

(vii) any other institution which the Reserve Bank may specify, from time to time, for the purposes of this clause;

(g) "credit scoring" means a system which enables a credit institution to assess the credit worthiness and capacity of a borrower to repay his loan and advances and discharge his other obligations in respect of credit facility availed or to be availed by him;

(h) "notification" means a notification published in the Official Gazette of India;

(i) "prescribed" means prescribed by rules made under this Act;

(f) "regulations" means regulations made by the Reserve Bank under this Act;

(k) "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934);

(l) "specified user" means any credit institution, credit information company being a member under sub-section (3) of section 15, and includes such other person or institution as may be specified by regulations made, from time to time,by the Reserve Bank for the purpose of obtaining credit information from a credit information company;

(m) words and expressions used herein and not defined in this Act but defined in the Reserve Bank of India Act, 1934 (2 of 1934) or the Banking Regulation Act, 1949 (10 of 1949) or the companies Act, 1956 (1 of 1956) shall have the meanings respectively assigned to them in those Acts.

CHAPTER-II

REGISTRATION OF CREDIT INFORMATION COMPANIES

3. Prohibition to commence or carry on business of credit information.- Save as otherwise provided in this Act, no company shall commence or carry on the business of credit information without obtaining a certificate of registration from the Reserve Bank under this Act.

4. Application for registration.- (1) Every company which intends to commence the business of credit information shall make an application for registration to the Reserve Bank in such form and manner as may be specified by regulations.

(2) Every credit information company, in existence on the commencement of this Act, before the expiry of six months from such commencement, shall apply in writing to the Reserve Bank for obtaining a certificate of registration under this Act:

Provided that in the case of a credit information company in existence on the commencement of this Act, nothing in section 3 shall be deemed to prohibit such credit information company from carrying on the business of a credit information company, until it is granted a certificate of registration or is by notice in writing informed by the Reserve Bank that a certificate of registration cannot be granted to it.

5. Grant of certificate of registration.- (1) The reserve Bank may, for the purpose of considering the application of a company for grant of a certificate of registration to commence or carry on the business of credit information, require to be satisfied, by an inspection of records or books of such company or otherwise that the following conditions are fulfilled, namely:-

(a) that the applicant company has minimum capital structure referred to in section 8;

(b) that the general character of the management or the proposed management of the applicant company shall not be prejudicial to the interest of its specified users, clients or borrowers, or other credit information companies;

(c) that any other condition, the fulfilment of which in the opinion of the Reserve Bank, shall be necessary to ensure that the commencement or carrying on of the business of credit information by the applicant company shall not be detrimental or prejudicial to the public interest or banking policy or credit system or its specified users or client or borrowers or other credit information companies or others who would provide credit information to the credit information companies.

(2) The Reserve Bank may, after being satisfied that the conditions as referred to in sub-section (1) are fulfilled, grant a certificate of registration to the applicant company to commence or carry on the business of credit information,subject to such conditions which it may consider fit to impose and if the company fails to fulfil any of such conditions or any of the provisions of this Act, the application of the company shall be rejected:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(3) The Reserve Bank may, having regard to the available business of credit information, the potential and scope for expansion of existing credit information companies and other relevant factors, determine the total number of the credit information companies which may be granted the certificates of registration for carrying on the business of credit information:

Provided that the total number of such credit information companies so determined may, on being satisfied by the Reserve Bank, that there is change in available business of credit information, potential and scope for expansion of existing credit information companies and other relevant factors rlating thereto, be reviewed by the Reserve Bank.

6. Power of Reserve Bank to cancel certificate of registration.- (1) The Reserve Bank may cancel a certificate of registration granted to a credit information company under sub-section (2) of section 5 if such company,-

(i) ceases to carry on the business of credit information; or

(ii) has failed to comply with any of the conditions subject to which the certificate of registration has been granted to it; or

(iii) at any time fails to fulfil any of the conditions referred to in sub-clauses (a) to (c) of sub-section (1) or sub-section (2) of section 5; or

(iv) fails-

(a) to comply with the provisions of any law for the time being in force or any direction issued by the Reserve Bank under the provisions of this Act; or

(b) to submit or offer for inspection its books of account and other relevant documents when so demanded by the officers, persons or agency referred to in sub-section (1) of section 12.

(2) Before cancelling the certificate of registration granted to a credit information company under this section on the ground that the company has failed to comply with the conditions specified in clauses (a) to (c) of sub-section (1) or sub-section (2) of section 5 or the provisions of any other law for the time being in force or directions issued under this Act, the Reserve Bank, shall grant time to such company on such terms as the Reserve Bank may deem appropriate for taking necessary steps to comply with such directions or provisions or fulfilment of such conditions, within such time:

Provided that if the Reserve Bank is of the opinion that the delay in cancelling the certificate of registration of such company shall be prejudicial or detrimental to the public interest or banking policy or credit system or borrowers or other credit information companies, the Reserve Bank may cancel the certificate of registration without granting time as provided in sub-section (2).

(3) No order of cancellation of certificate of registration, granted to a credit information company, shall be made by the Reserve Bank unless such company has been given a reasonable opportunity of being heard.

7. Appeal against order of Reserve Bank.- (1) A credit information company aggrieved by the order of rejection of an application for grant of certificate of registration under section 5 or cancellation of certificate of registration under section 6, may prefer an appeal to the Central Government or any other authority or tribunal which may be designated by rules made by the Central Government, within a period of thirty days from the date on which such order of rejection or cancellation, as the case may be, is communicated to the credit information company.

(2) The decision of the Central Government or the authority or tribunal referred to in sub-section (1) where an appeal has been preferred to it under sub-section (1), or of the Reserve Bank where no such appeal has been preferred, shall be final:

Provided that before making any order of rejection of an appeal, the applicant company or the credit information company, as the case may be, shall be given a reasonable opportunity of being heard.

8. Requirement as to minimum capital.- (1) The authorised capital of every credit information company shall be a minimum of thirty crores:

Provided that the Reserve Bank may, by notification, increase the minimum amount of authorised capital to any amount not exceeding fifty crores.

(2) The issued capital of every credit information company shall not be less than twenty crores:

Provided that the Reserve Bank may, by notification, increase the issued capital to any amount not exceeding the minimum amount of authorised capital as referred to in sub-section (1).

(3) The minimum paid up capital of every credit information company at any time shall not be less than seventy five per cent. of the issued capital.

CHAPTER-III

MANAGEMENT OF CREDIT INFORMATION COMPANIES

9. Management of credit information company.- (1) Notwithstanding anything contained in any law for the time being in force, or in any contract to the contrary, every credit information company in existence on the commencement of this Act, or which comes into existence thereafter, shall have one of its directors, who may be appointed on whole-time or on a part-time basis as chairperson of its board, and where he is appointed on whole-time basis as chairperson of its board, he shall be entrusted with the management of the whole of the affairs of the credit information company:

Provided that the chairperson of the board of the credit information company shall exercise his powers subject to the superintendence, control and directions of the board.

(2) Where a chairperson is appointed on a part-time basis, the management of whole of the affairs of the credit information company shall be entrusted to a managing director or, a whole-time director by whatever name called, who shall exercise his powers subject to the superintendence, control and directions of the board.

(3) In addition to the chairperson or managing director or whole-time director, by whatever name called, the board of directors shall consist of not less than fifty per cent. directors who shall be persons having special knowledge in, or practical experience of, the matters relating to public administration, law, banking, finance, accountancy, management or information technology.

(4) In discharging its functions, the board shall act on business principles and shall have due regard to the interest of its specified users, credit institutions or the clients or borrowers of credit institutions.

(5) Where the Reserve Bank is satisfied that it is in the public interest or in the interest of banking policy or credit system of the country, or for preventing the affairs of any credit information company being managed in a manner detrimental to the interest of banking policy or credit institutions or borrowers or clients or for securing the proper management of any credit information company, it is necessary so to do, the Reserve Bank may, for reasons to be recroded in writing, by order published in the Official Gazette, supersede the board of such company, for such period not exceeding six months, as may be specified in the order and which may be extended from time to time, so, however, that the total period shall not exceed twelve months:

Provided that before making any such order, the Reserve Bank shall give a reasonable opportunity to the board of such credit information company to make representation against the proposed supersession and shall consider the representation, if any, of the board.

(6) The Reserve Bank may,on supersession of the board of a credit information company under sub-section (5), appoint an Administrator for such period and on such salary and other terms and conditions as it may determine.

(7) The Reserve Bank may issue such directions to the Administrator as it may deem appropriate and the Administrator shall be bound to follow such directions.

(8) Upon making of the order under sub-section (5), superseding the board of a credit information company-

(a) the chairperson, managing director and other directors of such credit information company shall, as from the date of supersession, vacate their offices as such;

(b) all the powers functions and duties which may, by or under the provisions of the Companies Act,1956 or this Act or any other law for the time being in force, be exercised or discharged, by or on behalf of the board of such credit information company, or by a resolution passed in general meeting of that company, shall, until the reconstitution of its board under sub-section (10), be exercised and discharged by the Administrator appointed by the Reserve Bank under sub-section (6):

Provided that the powers exercised by the Administrator shall be valid notwishstanding that such powers are exercisable by a resolution passed in the general meeting of such credit information company.

(9) The salary and allowances payable to the Administrator and staff assisting the Administrator shall be borne by the credit information company.

(10) On and before the expiration of two months before expiry of the period of supersession mentioned in the order of the Reserve Bank issued under sub-section (5), the Administrator of the credit information company, shall call a general meeting of the credit information company to elect new directors and reconstitute its board and any person who had vacated his office under clause (a) of sub-section (8), shall not be deemed to be disqualified for re-appointment.

(11) Notwithstanding anything contained in any law for the time being in force or in any contract or the memorandum or articles of association, of the credit information company, on the removal of a person from office under this section, that person shall not be entitled to claim any compensation for the loss or termination of office.

10. Power of Reserve Bank to determine policy.- Where the Reserve Bank is satisfied that it is necessary or expedient in the public interest or in the interest of specified users or in the interest of credit information companies or credit institutions or clients or borrowers so to do, it may determine the policy in relation to functioning of credit information companies or credit institutions or specified users generally or in particulars and when the policy has been so determined all credit information companies, credit institutions and specified users, as the case may be, shall be bound to follow the policy as so determined.

11. Power of Reserve Bank to give directions.- (1) Where the Reserve Bank is satisfied that,-

(a) in the public interest; or
(b) in the interest of credit institutions; or
(c) in the interest of specified users; or
(d) in the interest of banking policy; or
(e) to prevent the affairs of any credit information company being conducted in a manner detrimental to the interests of its specified users or in a manner prejudicial to the interests of credit institutions or borrowers or clients; or
(f) to secure the proper management of credit information companies generally,

it is necessary to issue directions to credit information companies or credit institutions or specified users generally or to any credit information company or credit institution or specified user in particular, it may, from time to time, issue such directions as it deems fit, and such credit information companies, credit institutions and specified users or credit information company, credit instituion, and specified user, as the case may be, shall be bound to comply with such directions.

(2) The Reserve Bank may, on representation made to it or on its own motion, modify or cancel any direction issued under sub-section (1), and the Reserve Bank, in so modifying or cancelling any direction, may impose such conditions as it thinks fit, subject to which the modification or cancellation shall have effect.

(3) The Reserve Bank may, at any time, if it is satisfied that in the public interest or in the interest of a credit information company or its members, it is necessary so to do, by order in writing and on such terms and conditions as may be specified therein,-

(a) require such credit information company to call a meeting of its directors for the purpose of considering any matter relating to or arising out of the affairs of the credit information company;
(b) depute one or more of its officers to watch the proceedings at any meeting of the board of the credit information company or of any committee or of any other body consitituted by it and require the crdit information company to give an opportunity to the officers so deputed to be heard at such meetings and also require such officers to send a report of such proceedings to the Reserve Bank;
(c) require the board of the credit information company or of any committee or any other body constituted by it to give in writing to any officer deputed by the Reserve Bank in this behalf at his usual address all notices of, and other communications relating to, any meeting of the board, committee or other body constituted by it;
(d) appoint one or more of its officers to observe the manner in which the affairs of the crdit information company or of its offices or branches are being conducted and make a report thereon;

(e) require the credit information company to make, within such time as may be specified in the order, such changes in the management as the Reserve Bank may consider necessary.

(4) The Reserve Bank may, at any time, direct any credit information company to furnish it within such time as may be specified by the Reserve Bank, such statement and information relating to the business or affairs of the credit information company as the Reserve Bank may consider necessary or expedient to obtain for the purpose of this Act.

12. Inspection of credit information company, credit institution and specified user.- (1) Notwithstanding anything to the contrary contained in section 235 of the Companies Act, 1956 (1 of 1956), the Reserve Bank, at any time, may and on being directed so to do by the Central Government shall, cause an inspection to be made, by one or more of its officers or through such other persons or agency as the Reserve Bank may determine, of any credit information company or credit institution or specified user and their books and accounts; and the Reserve Bank shall supply to the credit information company or credit institution or specified user, as the case may be, a copy of its report on such inspection.

(2) It shall be the duty of every director or other officer or employee of the credit information company, credit institution and specified user to produce to any officer or person or agency, as the case may be, making an inspection under sub-section (1) all such books, accounts and other documents in his custody or power and to furnish him with any statement and information relating to the affairs of such credit information company, credit instituion and specified user, as the said officer or person or agency may require of him within such time as the said officer or person or agency may specify.

(3) Any officer of the Reserve Bank or person or an agency making an inspection under sub-section (1) may examine on oath any director or other officer or emplyee of the crdit information company, credit institution and specified user, in relation to their business, and may administer an oath accordingly.

(4) The expenses of, or incidental to, the inspection under sub-section (1) by any person or an agency referred to in sub-section (1) shall be borne by the concerned credit information company or credit institution or specified user, as the case may be.

CHAPTER-IV
AUDITORS

13. Powers and duties of auditors.- (1) It shall be the duty of an auditor of a credit information company to inquire whether or not the credit information company has furnished to the Reserve Bank such statements, information or particulars relating to its business as are required to be furnished under this Act and the auditor shall, except where he is satisified on such inquiry that the credit information company has furnished such a statement, information or particulars, make a report to the Reserve Bank in this regard.

(2) The Reserve Bank may,on being satisfied that it is necessary so to do, in the public interest or in the interest of credit system, issue directions in particular or in general with respect to audit of the credit information company and submission of the report to the Reserve Bank.

(3) Where the Reserve Bank is of the opinion that it is necessary so to do in the public interest or in the interest of the credit information company or its members, or in the interest of credit system or credit institution or its borrower or client so to do, it may, at any time, by an order, direct that a special audit of the accounts of the credit information company in relation to any such transaction or class of transactions or for such period or periods, as may be mentioned in the order, shall be conducted and the Reserve Bank may by such order or by a separate order either appoint an auditor or auditors or direct the auditor of the credit information company himself to conduct such special audit and the auditor shall comply with such directions and makea report of such audit to the Reserve Bank and forward a copy thereof to the credit information company.

(4) The remuneration of the auditors as may be fixed by the Reserve Bank, having regard to the nature and volume of work involved in the audit and the expenses of, or incidental to, the audit, shall be borne by the credit information company so audited.

CHAPTER-V
FUNCTIONS OF CREDIT INFORMATION COMPANIES

14. Functions of a credit information company.- (1) A credit information company may engage in any one or more of the following forms of business, namely:-

(a) to collect, process and collate information on trade, credit and financial standing of the borrowers of the credit institution which is a member of the credit information company;

(b) to provide credit information to its specified users or to the specified users of any other credit information company or to any other credit information company being its member;

(c) to provide credit scoring to its specified users or specified users of any other credit information company or to other credit informations companies being its members;

(d) to undertake research project;

(e) to undertake any other form of business which the Reserve Bank may, specify by regulations as a form of business in which it is lawful for a credit information company to engage.

(2) No credit information company shall engage in any form of business other than those referred to in sub-section (1).

(3) Any credit information company for the purposes of carrying on the business of credit information may-

(a) register credit institutions and other credit information companies, at their option as its member, subject to such terms and conditions as may be pre-determined and disclosed by such credit information company;

(b) charge such reasonable amount of fees, as it may deem appropriate not exceeding the maximum fee, as may be specified under section 27, for furnishing credit information to a specified user;

(c) generally to do all such other acts and perform such other functions as are necessary to facilitate proper conduct of its affairs, business and functions in accordance with the provisions of this Act.

15. Credit Institution to be member of a credit information company.- (1) Every credit institution in existence on the commencement of this Act, before the expiry of three months from such commencement or within such extended period, as the Reserve Bank may allow on its application and subject to being satisfied about the reason for extension, shall become member of at least one credit information company.

(2) Every credit institution which comes into existence after the commencement of this Act, before the expiry of three months from its comming into existence, or within such extended period, as the Reserve Bank may allow on its application and subject to being satisfied about the reason for extension, shall become member of at least one credit information company.

(3) A credit information company may, at its option, become member of another credit information company.

(4) No credit information company shall refuse to register a credit institution or another credit information company as its member without providing reasonable opportunity of being heard to such credit institution or credit information company, whose application it proposes to reject and recording reasons for such rejection and a copy of such order of rejection shall be forwarded to the Reserve Bank.

(5) A credit instituion or credit information company aggrieved by the order of rejection of its application for its registration as a member of a credit information company under sub-section (4) may prefer an appeal to the Reserve Bank, within a period of thirty days from the date on which such order of rejection was communicated to it:

Provided that the Reserve Bank may, if it is satisifed that the appellant was prevented by sufficient cause from filling the appeal within the said period,allow it to be filed within a further period not exceeding thirty days.

(6) On receipt of an appeal under sub-section (5), the Reserve Bank, after giving the appellant and other concerned parties, an opportunity of being heard, pass such order as it deems fit.

(7) The decision of the Reserve Bank where an appeal has been preferred to it under sub-section (5) shall be final and the order of the credit information company under sub-section (4) shall be final after the expiry of the said period of thirty days where no appeal has been preferred under that sub-section to the Reserve Bank.

(8) Every specified user shall be entitled to obtain credit information for its use from the credit information company of which such specified user is a member.

16. Failure to become a member of a credit information company.- (1) Where a credit institution-

(a) abstains from becoming a member of at least one credit information company; or

(b) at any time is not a member of any credit information company,

the Reserve Bank suo motu or on a complaint from a credit information company may, direct such credit institution to take necessary steps within such time, as it may specify to become a member of a credit information company.

(2) In case a credit institution fails to comply with the directions of the Reserve Bank under sub-section (1), to become member of at least one credit information company, the Reserve Bank may, without prejudice to the provisions of this Act, intimate such failure to any other authority for taking such action as it may deem fit.

17. Collection and furnishing of credit information.- (1) A credit information company or any person authorised in that behalf by the company may, by notice in writing, in such form, as may be specified by regulations made by the Reserve Bank or as near thereto, require its members being credit institution or credit information company, to furnish such credit information as it may deem necessary in accordance with the provisions of this Act.

(2) Every credit institution which is member of the credit information comapny and every credit information company which is a member of other credit information company shall, on receipt of notice under sub-section (1), provide credit information to the credit information company of which it is a member, within such period as may be specified in the notice.

(3) Every credit information company shall provide for such purpose, as may be specified by regulations, the credit information received under sub-section (2), to its specified user on receipt of request from him in accordance with the provisions of this Act and directions issued thereunder by the Reserve Bank from time to time in this behalf.

(4) No credit information received under this Act,-

(a) by the credit information company, shall be disclosed to any person other than its specified user; or

(b) by the specified user, shall be disclosed to any other person;

(c) by the credit information company or specified user, shall be disclosed for any other purpose than as permitted or required by any other law for the time being in force.

18. Settlement of dispute.- (1) Notwithstanding anything contained in any law for the time being in force, if any dispute arises amongst, credit information companies, credit institutions, borrowers and clients on matters relating to business of credit information and for which no remedy has been provided under this Act, such disputes shall be settled by conciliation or arbitration as provided in the Arbitration and Conciliation Act, 1996 (26 of 1996), as if the parties to the dispute have consented in writing for determination of such dispute by conciliation or arbitration and provisions of that Act shall apply accordingly.

(2) Where a dispute has been referred to arbitration under sub-section (1), the same shall be settled or decided,-

(a) by the arbitrator to be appointed by the Reserve Bank;

(b) within three months of making a reference by the parties to the dispute:

Provided that the arbitrator may, after recording the reasons therefor, extend the said period up to a maximum period of six months:

Provided further that, in an appropriate case or cases, the Reserve Bank may, if it considers necessary to do so (reasons to be recorded in writing), direct the parties to the dispute to appoint an arbitrator in accordance with the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996), for settlement of their dispute in accordance with the provisions of that Act.

(3) Save as otherwise provided under this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to all arbitration under this Act as if the proceedings for arbitration were referred for settlement or decision under the provisions of the Arbitration and Conciliation Act, 1996.

CHAPTER-VI

INFORMATION PRIVACY PRINCIPLES AND FURNISHING OF CREDIT INFORMATION

19. Accuracy and security of credit information.- A credit information company or credit institution or specified user, as the case may be, in possession or control of credit information, shall take

such steps (including security safeguards) as may be prescribed, to ensure that the data relating to the credit information maintained by them is accurate, complete, duly protected against any loss or unauthorised access or use or unauthorised disclosure thereof.

20. Privacy principles.- Every credit information company, credit institution and specified user, shall adopt the following privacy principles in relation to collection, processing, collating, recording, preservation, secrecy, sharing and usage of credit information, namely:-

(a) the principles-

(i) which may be followed by every credit institution for collection of information from its borrowers and clients and by every credit information company, for collection of information from its member credit institutions or credit information companies, for processing, recording, protecting the data relating to credit information furnished by, or obtained from, their member credit institutions or credit information companies, as the case may be, and sharing of such data with specified users;

(ii) which may be adopted by every specified user for processing, recording, preserving and protecting the data relating to credit information furnished, or received, as the case may be, by it;

(iii) which may be adopted by every credit information company for allowing access to records containing credit information of borrowers and clients and alteration of such records in case of need to do so;

(b) the purpose for which the credit information may be used, restriction on such use and disclosure thereof;

(c) the extent of obligation to check accuracy of credit information before furnishing of such information to credit information companies or credit institutions or specified users, as the case may be;

(d) preservation of credit information maintained by every credit information company, credit institution, and specified user as the case may be (indluding the period for which such information may be maintained, manner of deletion of such information and maintenance of records of credit information);

(e) networking of credit information companies, credit institutions and specified users through electronic mode;

(f) any other principles and procedures relating to credit information which the Reserve Bank may consider necessary and appropriate and may be specified by regulations.

21. Alteration of credit information files and credit reports.- (1) Any person, who applies for grant to sanction of credit facility, from any credit institution, may request to such institution to furnish him a copy of the credit information obtained by such institution from the credit information company.

(2) Every credit institution shall, on receipt of request under sub-section (1), furnish to the person referred to in that sub-section a copy of the credit information subject to payment of such charges, as may be specified by regulations, by the Reserve Bank in this regard.

(3) If a credit information company or specified user or credit institution in possession or control of the credit information, has not updated the information maintained by it, a borrower or client may request all or any of them to update the information, whether by making an appropriate correction, or addition or otherwise, and on such request the credit information company or the specified user or the credit instituion, as the case may be, shall take appropriate steps to update the credit information within thirty days after being requested to do so:

Provided that the credit information company and the specified user shall make the correction, deletion or addition in the credit information only after such correction, delection or addition has been certified as correct by the concerned credit institution:

Provided further that no such correction, deletion or addition shall be made in the credit information if any dispute relating to such correction, deletion or addition is pending before any arbitrator or tribunal or court and in cases where such dispute is pending, the entries in the books of the concerned credit institution shall be taken into account for the purpose of credit information.

22. Unauthorised access to credit information.- (1) No person shall have access to credit information in the possession or control of a credit information company or a credit institution or a specified user unless the access is authorised by this Act or any other law for the time being in force or directed to do so by any court or tribunal and any such access to credit information without such authorisation or direction shall be considered as an unauthorised access to credit information.

(2) Any person who obtains unauthorised access to credit information as referred to in sub-section (1) shall be punishable with fine which may extend to one lakh rupees in respect of each offence and if he continues to have such unauthorised access, with further fine which may extend to ten thousand rupees for every day on which the default continues and such unauthorised credit information shall not be taken into account for any purpose.

CHAPTER-VII

OFFENCES AND PENALTIES

23. Offences and penalties.- (1) Whoever,in any return or other document or in any information required or furnished by, or under, or for the purposes of, any provision of this Act, wilfully makes a statement which is false in any material particular, knowing it to be false, or wilfully omits to make a material statement, shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Every credit information company or a credit instituion or any specified user, wilfully, performing any act or angaging in any practice, in breach of any of the principles referred to in section 20, shall be punishable with fine not exceeding one crore rupees.

(3) Any credit information company or credit institution or specified user wilfully providing to any other credit information company or credit institution or specified user or borrower or client, as the case may be, credit information which is false in any material particular, knowing it to be false, or wilfully omits to make a material statement, shall be punishable with fine which may extend to one crore rupees.

(4) Any person who contravenes any provision of this Act or of any rule or order made thereunder, or obstructs the lawful exercise of any power conferred by or under this Act, or makes default in complying with any requirement of this Act or of any rule or order made or direction issued thereunder, shall, if no specific provision is made under this Act for punishment of such contravention, obstruction or default, be punishable with fine which may extend to one lakh rupees and where a contravention or default is a continuing one, with a further fine which may extend to five thousand rupees for every day during which the contravention or default continues.

(5) Where a contravention or default has been committed by a credit information company or credit institution or specified user, as the case may be, every person who, at the time the contravention or default was committed, was in charge of, and was responsible to the credit information company or credit institution or specified user for the conduct of its business, shall be deemed to be guilty of the contravention or default and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the contravention or default was committed without his knowledge or that he exercised all due diligence to prevent the contravention or default.

(6) Notwithstanding anything contained in sub-section (5), where a contravention or default has been committed by a credit information company or credit institution or specified user, as the case may be, and it is proved that the same was committed with the consent or connivance of, or is attributable to any gross negligence on the part of its chairperson, managing director, any other director, manager, secretary or other officer of the credit information company or the credit institution, such chairperson, managing director, any other director, manager, secretary or other officer shall also be deemed to be guilty of that contravention or default and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director", in relation to a firm, means a partner in the firm.

24. Cognizance of offences.- (1) No court shall take cognizance of any offence committed by a member of a credit information company and punishable under section 23 except upon a complaint in writing made by an officer of the credit information company generally or specially authorised in writing in this behalf by the credit information company or if so directed by the Reserve Bank so to do and no court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class or any court superior thereto shall try any such offence.

Explanation.- For the purposes of this sub-section, "member of a credit information company" shall mean a member referred to in section 15.

(2) No court shall take cognizance of any offence committed by a credit information company punishable under section 23 except upon a complaint in writing made by an officer of the Reserve Bank generally or specially authorised in writing in this behalf by the Reserve Bank and no court other than that of a Metropolitan Magistrate or a Judicial magistrate of the first class or any court superior thereto shall try any such offence.

25. Power of Reserve Bank to impose penalty.- (1) Notwithstanding anything contained in section 23, if a contravention or default of the nature referred to in sub-section (2) of section 22 or sub-section (2) or sub-section (3) or sub-section (4) of section 23, as the case may be, is made by a credit information company or a credit institution then, the Reserve Bank may impose on such credit information company or credit institution-

(i) where the contravention is of the nature referred to in sub-section (2) of section 22, a penalty not exceeding one lakh rupees;

(ii) where the contravention is of the nature referred to in sub-section (2) or sub-section (3) of section 23, a penalty not exceeding one crore rupees;

(iii) where the contravention is of the nature referred to in sub-section (4) of section 23, a penalty not exceeding one lakh rupees and where such contravention or default is continuing one, a further penalty which may extent to five thousand rupees for every day, after the first, during which the contravention or default continues.

(2) For the purpose of adjudging the penalty under sub-section (1), the Reserve Bank shall serve notice on credit information company or credit institution or specified user, as the case may be, requiring it to show cause as to why the amount mentioned in the notice should not be imposed as penalty and a reasonable opportunity of being heard shall also be given to such credit information company or credit institution or specified user, as the case may be.

(3) No complaint shall be filed against credit information company or credit institution or specified user, as the case may be, in any court of law in respect of any contravention or default in respect of which any penalty has been imposed by the Reserve Bank under this section.

(4) Any penalty imposed by the Reserve Bank under this Act shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the credit information company or credit institution or specified user, as the case may be, and in the event of failure of such credit information company or credit institution or specified user to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the credit information company or credit institution or specified user, being a company, is situated and in case of credit institution incorporated outside India, where its principal place of business in India is situated:

Provided that such direction under this sub-section shall be made only upon an application made in this behalf to the court by the Reserve Bank.

(5) The court which makes a direction under sub-section (4) shall issue a certificate mentioning therein the sum payable by a credit information company or credit institution or specified user, as the case may be, and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.

(6) Where any complaint has been filed against credit information company or credit institution or specified user, as the case may be, in any court in respect of the contravention or default of the mature referred to in sub-section (2) of section 22 or sub-section (2) or sub-section (3) or sub-section (4) of section 23, then, no proceedingts for the imposition of any penalty on the credit information company or credit institution or specified user shall be taken under this section.

26. Application of fines.- A court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in or towards payment of the costs of the proceedings, or for such purposes as may be directed by the court.

CHAPTER-VIII
MISCELLANEOUS

27. Power of Reserve Bank to specify maximum amount of fees.- The Reserve Bank may, specify, by regulations the maximum amount of fees leviable under sub-section (3) of section 14 for providing information to the specified users and for admissions of credit institutions or credit information companies as a member of a credit information company.

28. Disclosure of information before any court or tribunal or authority.- No chairperson, director, member, auditor, adviser, officer or other employee or agent employed in the business of a credit information company or in the business of a specified user shall, except for the purposes of this Act or when required to do so by any other law in force or court or tribunal or authority, disclose any information to any person.

29. Obligations as to fidelity and secrecy.- (1) Every credit information company shall observe, except as otherwise required by law, the practices and usages customary among credit information companies and it shall not divulge any information relating to, or to the affairs of, its members or specified users.

(2) Every chairperson, director, member, auditor, adviser, officer or other employee of a credit information company shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form, as may be prescribed in this regard.

Explanation.- For the purposes of this section and section 30, the terms "practices and usages customary" means such practices and usages which, are generally followed by credit information companies or may develop in due course in relation to their functions, in pursuance of the provisions of this Act, rules and regulations made and directions issued thereunder from time to time in pursuance thereof.

30. Protection of action taken in good faith.- (1) No suit or other legal proceedings or prosecution shall lie against the Reserve Bank or the Central Government or credit information company or credit instituion, or their chairperson, director, member, auditor, adviser,officer or other employee, or agent or any person authorised by the Reserve Bank or the Central Government or credit information company or credit institution to discharge any function under this Act, for any loss or damage caused or as is likely to be caused by anything which is in good faith done or intended to be done, in pursuance of this Act or any other law for the time being in force.

(2) Nothing contained in sub-section (1) shall affect the right of any person to claim damages against a credit information company, a credit institution or their chairperson, director, member, auditor, adviser, officer or other employee or agents, as the case may be, in respect of loss caused to him on account of any such disclosure made by anyone of them and which is unauthorised or fraudulent or contrary to provisions of this Act, or practices or usages customary among them.

31. Bar of jurisdiction.- No court or authority shall have, or be entitled to exercise, any jurisdiction, powers or authority, except the Supreme Court and a High Court exercising jurisdiction under articles 32, 226 and 227 of the Constitution, in relation to the matters referred to in sections 4, 5, 6, 7 and 18.

32. Power of Reserve Bank to exempt in certain cases.- (1) The Central Government may, on the recommendation of the Reserve Bank, by notification in the Official Gazette, direct that any or all of the provisions of this Act shall not apply to any credit information company or a credit institution, as the case may be, either generally or for such period and subject to such exceptions or modifications, as may be mentioned in that notification.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

33. Application of other laws not barred.- The provisions of this Act shall be in addition to, and not, save as provided under this Act, in derogation of, the provisions of the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.

34. Amendment of certain enactments.- The enactments mentioned in the Schedule to this Act shall be amended in the manner specified therein.

35. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of parliament.

36. Power to make rules.- (1) The Central Government may, after consultation with the Reserve Bank, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) the authority or tribunal which may be designated under sub-section (1) of section 7;

(b) the steps to be taken by every credit information company or credit institution and specified user for ensuring accuracy, completeness of data and protection of data from any loss or unauthorised access or use or disclosure under section 19;

(c) the form in which a declaration of fidelity and secrecy shall be made under sub-section (2) of section 29;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect,as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

37. Power of Reserve Bank to make regulations.- (1) The Reserve Bank may make regulations consistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

(a) the persons or institutions which may be specified as specified users under clause (1) fo section 2;

(b) the form in which application may be made under sub-section (1) of section 4 and the manner of filing such application under that sub-section;

(c) anyu other form of business in which a credit information company may engage under clause (e) of sub-section (1) of section 14;

(d) the form of notice for collection and furnishing of information procedure relating thereto and purposes for which credit information may be provided under sub-section (1) and (2) of section 17;

(e) the principles and procedures relating to credit information which may be specified under clause (f) of section 20;

(f) the amount which may be required to be paid for obtaining copy of credit information under sub-section (2) of section 21;

(g) the maximum amount of charges payable under section 27.

(3) Every regulation, as soon as may be after it is made by the Reserve Bank, shall be forwarded to the Central Government and that Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

THE SCHEDULE
(See section 34)
AMENDMENT TO CERTAIN ENACTMENTS
PART-I
THE RESERVE BANK OF INDIA ACT, 1934
(2 of 1934)

Section 45E, sub-section (2), after clause (c), insert-

"(d) the disclosures of any credit information under the Credit Information Companies (Regulation) Act, 2005.".

PART-II
THE BANKING REGULATION ACT, 1949
(10 of 1949)

1. Section 19, after sub-section (3), insert-

"(4) Save as provided in clause (c) of sub-section (1), a banking company may form a subsidiary company to carry on the business of credit information in accordance with the Credit Information Companies (Regulation) Act, 2005.".

2. Section 28, for "publish any information obtained by them under this Act in such consolidated form as they think fit", substitute-

"publish-

(a) any information obtained by them under this Act in such consolidated form as they think fit;

(b) in such manner as they may consider proper, any credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-III
THE STATE FINANCIAL CORPORATION ACT, 1951
(63 OF 1951)

Section 40, after sub-section (3), insert-

"(4) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-IV
THE STATE BANK OF INDIA ACT, 1955
(23 OF 1955)

Section 44, after sub-section (2), insert-

"(3) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-V
THE STATE BANK OF INDIA (SUBSIDLIARY BANKS) ACT, 1959
(38 OF 1959)

Section 52, after sub-section (2), insert-

"(3) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-VI
THE DEPOSIT INSURANCE AND CREDIT GUARANTEE CORPORATION ACT, 1961
(47 OF 1961)

Section 39, after sub-section (2), insert-

"(3) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-VII
THE STATE AGRICULTURAL CREDIT CORPORATIONS ACT, 1968
(60 OF 1968)

Section 40, insert-

"provided that nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-VIII

THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1970

(5 OF 1970)

Section 13, after sub-section (3), insert-

"(4) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-IX

THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1980

(40 OF 1980)

Section 13, after sub-section (3), insert-

"(4) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-X

THE EXPORT-IMPORT BANK OF INDIA ACT, 1981

(28 OF 1981)

Section 30, after sub-section (3), insert-

"(4) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-XI

THE NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT ACT, 1981

(61 OF 1981)

Section 51, after sub-section (2), insert-

"(3) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005."

PART-XII

THE PUBLIC FINANCIAL INSTITUTIONS (OBLIGATION AS TO FIDELITY AND SECRECY) ACT, 1983

(48 OF 1983)

Section 3, after sub-section (2), insert-

"(3) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-XIII

THE NATIONAL HOUSING BANK ACT, 1987

(53 OF 1987)

Section 44, after sub-section (2), insert-

"(3) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

PART-XIV

THE REGIONAL RURAL BANKS ACT, 1976

(21 OF 1976)

Section 25, after sub-section (2), insert-

"(3) Nothing contained in this section shall apply to the credit information disclosed under the Credit Information Companies (Regulation) Act, 2005.".

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

PR-191

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 54 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಜೂನ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Coastal Aquaculture Authority Act, 2005 (Act No.24 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE COASTAL AQUACULATURE AUTHORITY ACT, 2005

ARRANGEMENT OF SECTION

CHAPTER-I

PRELIMINARY

Section:

CHAPTER-II

GENERAL POWERS OF CENTRAL GOVERNMENT

CHAPTER-III

THE COASTAL AQUACULTURE AUTHORITY

CHAPTER-IV

POWERS AND FUNCTIONS OF AUTHORITY

CHAPTER-V

FINANACE, ACCOUNTS AND AUDIT

CHAPTER-VI

MISCELLANEOUS

THE COASTAL AQUACULATURE AUTHORITY ACT, 2005

AN

ACT

to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the Coastal Aquaculture Authority Act, 2005.

(2) Provisions of section 27 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

(a) "Authority" means the Coastal Aquaculture Authority established under sub-section (1) of section 4;

(b) "Chairperson" means the Chairperson of the Authority;

(c) "coastal aquaculture" means culturing, under controlled conditions in ponds, pens, enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture;

(d) "coastal area" means the area declared as the Coastal Regulation Zone, for the time being, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 and includes such other area as the Central Government may, by notification in the Official Gazette, specify;

(e) "member" means the member of the Authority appointed under sub-section (3) of section 4 and includes the Chairperson and the member-secretary;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "regulations" means the regulations made by the Authority under this Act.

(2) Words and expressions used herein and not defined but defined in the Environment (Protection) Act, 1986 (29 of 1986) shall have the meanings respectively assigned to them in that Act.

CHAPTER-II

GENERAL POWERS OF CENTRAL GOVERNMENT

3. Power of Central Government to take measure to protect environment.- The Central Government shall take all such measures as it deems necessary or expedient for regulation of coastal aquaculture by prescribing guidelines, to ensure that coastal aquaculture does not cause any detirement to the coastal environment and the concept of responsible coastal aquaculture contained in such guidelines shall be followed in regulating the coastal aquaculture activities to protect the livelihood of various sections of the people living in the coastal areas.

CHAPTER-III

THE COASTAL AQUACULTURE AUTHORITY

4. Establishment of Authority and appointment of Chairperson and members.- (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposers of this Act an Authority to be called the Coastal Aquaculture Authority.

(2) The head office of the Authority shall be such place as the Central Government may decide.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:-

(a) the Chairperson who is, or has been, a Judge of a High Court;

(b) one member who is an expert in the field of coastal aquaculture;

(c) one member who is an expert in the field of coastal ecology nominated by the Department of Ocean Development of the Central Government;

(d) one member who is an expert in the field of environment protection or pollution control nominated by the Ministry of Environment and Forests of the Central Government;

(e) one member to represent the Ministry of Agriculture of the Central Government;

(f) one member to represent the Ministry of Commerce of the Central Government;

(g) four members to represent the coastal States on rotation basis;

(h) one member-secretary.

(4) The term of office of the Chairperson and every other member shall be three yeras.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the members shall be such as may be prescribed.

5. Disqualifications for appointment as member.- A person shall be disqualified for being appointed as a member if he-

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or

(e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

6. Eligibility of member for reappointment.- Subject to sub-section (5) of section 4, any person ceasing to be a member shall be eligible for reappointment as such member for not more than two consecutive terms.

7. Meetings of Authority.- (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be specified by regulations.

(2) If for any reason the Chairperson is unable to attend any meeting of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson or in his absence the person presiding, shall have and exercise a second or casting vote.

8. Vacancy in Authority not to invalidate proceeding.- No act or proceeding of the Authority shall be invalidated merely by reason of-

(a) any vacancy in, or any defect in the constituion of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure adopted by the Authority not affecting the merits of the case.

9. Appointment of officers, consultants and other employees of Authority.- (1) For the purposes of discharging its functions, the Authority shall appoint such number of officers and other employees as it may consider necessary on such terms and conditions as may be specified by the regulations.

(2) The Authority may appoint, from time to time, any person as adviser or consultant as it may consider necessary on such terms and conditions as may be specified by the regulations.

10. Authentication of orders and other instruments of Authority.- All orders, decisions and other instruments of the Authority shall be authenticated under the signature of the Chairperson or any other member or any officer of the Authority authorised by the Chairperson in this behalf.

CHAPTER-IV

POWERS AND FUNCTIONS OF AUTHORITY

11. Functions of Authority.- (1) Subject to any guidelines issued by the Central Government under section 3, the Authority shall exercise the following powers and perform the following functions, namely:-

(a) to make regulations for the construction and operation of aquaculture farms within the coastal areas;

(b) to inspect coastal aquaculture farms with a view to ascertaining their environmental impact caused by costal aquaculture;

(c) to register costal aquaculture farms;

(d) to order removal or demolition of any coastal aquaculture farms which is causing pollution after hearing the occupier of the farm; and

(e) to perform such other functions as may be prescribed.

(2) Where the Authority orders removal or demolition of any coastal aquaculture farm under clause (d) of sub-section (1), the workers of the said farm shall be paid such compensation as may be settled between the workers and the management through an authority consisting of one person only to be appointed by the Authority and such authority may exercise such powers of a District Magistrate for such purpose, as may be prescribed.

12. Power to enter.- Subject to any rule made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, wherever it is necessary to do so for any purposes of this Act, at all reasonable times, enter on any coastal aquaculture land, pond, pen or enclosure and-

(a) make any inspection, survey, measurement, valuation or inquiry;

(b) remove or demolish any structure therein; and

(c) do such other acts or things as may be prescribed:

Provided that no such person shall enter on any coastal aquaculture land, pond, pen or enclosure without giving the occupier of such aquaculture land, pond, pen or enclosure at least twenty-four hours' notice in writing of his intention to do so.

13. Registration for coastal aquaculture.- (1) Save as otherwise provided in this section, no person shall carry on, or cause to be carried on, coastal aquaculture in coastal area or traditional coastal aquaculture in the traditional coastal aquaculture farm which lies within the Coastal Regulation Zone referred to in sub-section (9) and is not used for coastal aquaculture purposes on the appointed day unless he has registered his farm with the Authority under sub-section (5) or in pursuance of sub-section (9), as the case may be.

(2) Notwithstanding anything contained in sub-section (1), a person engaged in coastal aquaculture, immediately before the appointed day, may continue to cary on such activity without such registration for a period of three months from that day and if he makes an application for such registration under sub-section (4) within the said period of three months, till the communication to him of the disposing of such application by the Authority.

(3) The registration made under sub-section (5) or in pursuance of sub-section (9)-

(a) shall be valid for a period of five years;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be specified by the regulations.

(4) A person who intends to carry on coastal aquaculture shall make an application for registration of his farm before the Authority in such form accompanied with such fees as may be prescribed for the purpose of registration under sub-section (5).

(5) On receipt of an application for registration of a farm under sub-section (4), the Authority shall consider the application in the prescribed manner and after considering the application either register the farm or reject the application:

Provided that the Authority shall not reject the application without recording the reason for such rejection.

(6) The Authority shall, after registering a farm under sub-section (5), issue a certificate of registration in the prescribed form to the person who has made the application for such registration.

(7) In the case of a farm comprising more than two hectares of water spread area, no application for registration to commence any activity connected with coastal aquaculture shall be considered under sub-section (5) unless the Authority, after making such inquiry as it thinks fit, is satisfied that registration of such farm shall not be detrimental to the coastal environment.

(8) Notwithstanding anything contained in this section,-

(a) no coastal aquaculture shall be carried on within two hundred metres from High Tide Lines; and

(b) no coastal aquaculture shall be carried on in creeks, rivers and backwaters within the Coastal Regulation Zone declared for the time being under the Environment (Protection) Act, 1986 (29 of 1986):

Provided that nothing in this sub-section shall apply in the case of a coastal aquaculture farm which is in existence on the appointed day and to the non-commercial and experimental coastal aquaculture farms operated or proposed to be operated by any research institute of the Government or funded by the Government:

Provided further that the Authority may, for the purposes of providing exemption under the first proviso, review from time to time the existence and activities of the coastal aquaculture farms and the provisions of this section shall apply on coastal aquaculture farms in view of such review.

Explanation.- For the purposes of this sub-section, "High Tide Line" means the line on the land up to which the highest water line reaches during the spring tide.

(9) Notwithstanding anything contained in this section, any traditional coastal aquaculture farm which lies within the Coastal Regulation Zone declared by the notification of the Government of India in the Ministry of Environment and Forest (Department of Environment, Forests and Wildlife) No.S.O.114(E), dated the 19th February, 1991 and is not used for coastal aquaculture purposes on the appointed day shall be registrated under sub-section (5) by producing before the Authority, by the person who is the owner of such farm, the documentary proof of such ownership failing which such farm shall not be registered under sub-section (5) and if such person after such registration does not utilise such farm, within one year, for coastal aquaculture purposes, the registration shall be cancelled by the Authority.

(10) A person, who intends to renew the registration of a farm made under sub-section (5) or in pursuance of sub-section (9), may make an application within two months before the expiry of such

registration to the Authority in the prescribed form accompanied with the prescribed fees and the Authority shall,after receiving such application, renew the registration and for such purpose make an entry with its seal on the registration certificate relating to such form issued under sub-section (6).

(11) The Authority may refuse to renew the registration of a farm under sub-section (10) if the Authority is satisfied that the person to whom such registration is made has failed to utilise such farm for coastal aquaculture purposes or without any reasonable cause has violated any provision of this Act or the rules or regulations made there under or any direction or order made by the Authority in pursuance of section 11:

Provided that such refusal to renew the registration shall not be made without providing such person an opportunity of being heard.

Explanation 1.- For the purposes of this section, "appointed day" means the date of establishment of the Authority.

Explanation 2.- For the removal of doubts, it is hereby declared that the experssion "to renew the registration" used in sub-sections (10) and (11) shall be construed to include further renewal of the registration.

14. Punishment for carrying on coastal aquaculture without registration.- If any person carries on coastal aquaculture or traditional coastal aquaculture or causes the coastal aquaculture or traditional coastal aquaculture to be carried on in contravention of sub-section (1) of section 13, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees, or with both.

15. Cognizance of offence.- No court shall take cognizance of an offence under section 14 without a written complaint filed by an officer of the Authority authorised in this behalf by it.

CHAPTER-V

FINANACE, ACCOUNTS AND AUDIT

16. Payment to Authority.- The Central Government may, after due appropriation made by Parliament, by law, in this behalf, pay to the Authority in each financial year such sums as may be considered necessary for the performance of functions of the Authority under this Act.

17. Fund of Authority.- (1) The Authority shall have its own fund and all sums which may, from ttime to time, be paid to it by the Central Government and all the receipts of the Authority (including any sum which any State Government or any other authority or person may hand over to the Authority) shall be credited to the fund and all payments by the Authority shall be made therefrom.

(2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Authority.

(3) The Authority may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Authority.

18. Budget.- The Authority shall prepare, in such form and at such time each year as may be prescribed, a budget, in respect of the financial year next ensuing, showing the estimated receipts and expenditure and copies thereof shall be forwarded to the Central Government.

19. Annual report.- The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both House of Parliament.

20. Accounts and audit.- (1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The Authority shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General of India, determine.

(3) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as he thinks fit.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report threon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER-VI
MISCELLANEOUS

21. Chairperson and other members, officers and other employees of Authority, etc., to be public servants.- The Chairperson and other members and the officers and other employees of the Authority and the authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the India Penal Code (45 of 1860).

22. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or the Chairperson and other members of the Authority or the authority appointed by the Authority or any person authorised by the Authority or any officer authorised by the Chairperson for anything which is in good faith done or intended to be dome in pursuance of this act or any rule or regulation or order made thereunder.

23. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

24. Power of Central Government to make rules.- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) the guidelines under section 3;
(b) the salaries and allowances payable to, and the other terms and conditions of service of, the members under sub-section (5) of section 4;
(c) the other functions of the Authority under clause (e) of sub-section (1) of section 11;
(d) the powers of a District Magistrate to be exercised by the authority under sub-section (2) of section 11;
(e) the rules subject to which any person referred to in section 12 may enter upon any coastal aquaculture land, pond, pen or enclosure under that section;
(f) the other acts or things under clause (c) of section 12;
(g) the form of application and the fees to be accompanied therewith under sub-section (4) of section 13;
(h) the manner of considering application under sub-section (5) of section 13;
(i) the form of certificate of registration under sub-section (6) of section 13;
(j) the form of application and the fees to be accompanied therewith under sub-section (10) of section 13;
(k) the form and time of preparing budget under section 18;
(l) the form and time of preparing annual report under section 19;
(m) the books of account and other books to be maintained in relation to the accounts of the Authority and the form and manner of maintaining such books of account and other books under sub-section (1) of section 20;

25. Power of Authority to make regulations.- (1) The Authority may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

(a) the times and places of the meetings of the Authority and the rules of procedure to be observed in regard to the transaction of business at its meetings (including quorum thereat) under sub-section (1) of section 7;
(b) the terms and conditions of appointment of the officers and other employees under sub-section (2) section 9;

(c) the terms and conditions of appointment of adviser or consultant under sub-section (2) of section 9;
(d) for the construction and operation of coastal aquaculture farms within the coastal areas under clause (a) of sub-section (1) of section 11;
(e) the form and conditions of registration under clause (c) of sub-section (3) of section 13;
(f) generally for better regulation of the coastal aquaculture.

26. Rules and regulations to be laid before Parliament.- Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

27. Validation.- (1) Notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) or clause (d) of sub-rule (3) of rule 5 of the /Environment (Pretection) Rules, 1986, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 (hereafter referred to in this section as the said notification), in paragraph 2, after sub-paragraph (xiii), the following sub-paragraph shall be inserted and shall always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:-

"(xiv) nothing contained in this paragraph shall apply to coastal aquaculture.".

(2) The said notification shall have and shall be deemed always to have effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority, no coastal aquaculture carried on or undertaken or purporting to have been carried on or undertaken shall deemed to be in contravention of the said notification and shall be deemed to be and to have always been for all purposes in accordance with law, as if the foregoing provisions of this section had been in force at all material times and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing provisions, no suit or other proceeding shall be maintained or continued in any court for the enforcement of any direction given by any court of any decree or order directing the removal or closure of any coastal aquaculture farm's activity or demolition of any structure connected thereunder which would not have been so required to be removed, closed or demolished if the foregoing provisions of this section had been in force at all material times.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

PR-192

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 174 ಕೇನಿಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 17ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 21ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1376(E) [Notification.No.F.No.16-7/197-DD-III) ದಿನಾಂಕ: 14.9.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF SOCIAL JUSTICE AND EMPLOWERMENT
NOTIFICATION
New Delhi, 14th September, 2005

S.O.1376(E).- In exercise of the powers conferred by sub-sections (1) and (2) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), the Central Government hereby makes the following amendments in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996, namely:-

1. (1) These rules may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (Amendment) Rules, 2005.

(2) They shall come into force on thye date of their publication in the Official Gazette.

2. In rule 13 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996 (hereinafter referred to as the principal rules),-

(i) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) (a) If a meeting of the Central Coordination Committee cannot be held for want of quorum then, the meeting shall stand adjourned to the same day in the next week, at the same time and place, and if that day is a public holiday, to the next succeeding date which is not public holiday and at the same time and place.

(b) Notice of the adjourned meeting shall be given to all the Members.".

(ii) Sub-rule 5 shall be omitted.

3. In rule 24 of the principal rules,-

(i) for the Sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) (a) If a meeting of the Central Executive Committee cannot be held for want of quorum then, the meeting shall stand adjourned to the same day in the next week, at the same time and place, and if that day is a public holiday, to the next succeeding date which is not public holiday and at the same time and place.

(b) Notice of the adjourned meeting shall be given to all the Members.".

(ii) Sub-rule 5 shall be omitted.

[F.No.16-7/1997-DD-III

SMT. JAYATI CHANDRA, Jt. Secy.

Note:- The principal notification was published in Gazette of India vide Number S.O. 908(E), dated the 31st December, 1996.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

PR-193

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 176 ಕೇನಿಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 17ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 13ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1274(E) [No.F.No.6/2/2005-ES) ದಿನಾಂಕ: 13.9.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

ORDER

New Delhi, the 13th September 2005

S.O.1274(E).- In exercise of the powers conferred by sub-section (1) of Section 49 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby appoints, with effect from the 1st day of July, 2005 the Deputy Director holding office immediately before the said date under the Foreign Exchange Management Act, 1999 (42 of 1999), as the Deputy Director for the purpose of the Prevention of Money-laundering Act, 2002.

[F.No.6/2/2005-E.S.]

ANUJA SARANGI, Director

ORDER

New Delhi, the 13th September 2005

S.O.1275(E).- In exercise of the powers conferred by sub-section (1) of Section 49 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby appoints, with effect from the 1st day of July, 2005 the Assistant Director holding office immediately before the said date under the Foreign Exchange Management Act, 1999 (42 of 1999), as the Assistant Director for the purpose of the Prevention of Money-laundering Act, 2002.

[F.No.6/2/2005-E.S.]

ANUJA SARANGI, Director

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

PR-194

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 59 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 16ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005 (No.46 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2005

IN

ACT

further to amend the High Cort Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. **Short title and commencement.-** (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005.

(2) It shall be deemed to have come into force on the 1st day of April, 2004.

CHAPTER-II

AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

2. **Amendment of section 17A.-** In the high Court Judges (Salaries and Conditions of Service) Act, 1954 (28 of 1954) (hereinafter referred to as the High Court Judges Act), in section 17A, in sub-section (1),-

(i) after the words "family pension calculated at the rate of fifty per cent of his salary", the words "plus fifty per cent of his dearness pay" shall be inserted;

(ii) for the words "and thereafter at the rate of thirty per cent of this salary subject to a minimum of twelve hundred and seventy-five rupees per month", the words "and thereafter at the rate of thirty per cent of this salary plus thirty per cent of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month" shall be substituted.

3. **Amendment of section 22A.-** In section 22A of the High Court Judges Act, in sub-section (2), for the words "of ten thousand rupees", the words "equivalent to an amount of thirty per cent of the salary plus thirty per cent of the dearness pay" shall be substituted.

4. **Amendment of section 22C.** In section 22C of the High Court Judges Act, for the words "three thousand" and "two thousand", the words "seven thousand five hundred" and "six thousand" shall respectively be substituted.

5. **Amendment of the First Schedule.-** In the First Schedule to the High Court Judges Act,-

(a) in Part I,-

(i) in paragraph 2,-

(A) in clause (a), for the letter and figures "Rs.14,630", the letters and figures "Rs.21,945" shall be substituted;

(B) in clause (b), for the letters and figures "Rs.11,150", the letters and figures "Rs.16,725" shall be substituted;

(C) in the proviso, for the letters and figures "Rs.1,80,000" and "Rs.1,56,000", the letters and figures "Rs.2,70,000" and Rs.2,34,000" shall respectively be substituted.

(ii) in paragraph 8, for the letters and figures "Rs.1,80,000", the letters and figures "Rs.2,70,000" shall be substituted;

(iii) in paragraph 9, for the letters and figures "Rs.51,190", the letters and figures "Rs.76,785" shall be substituted.

(b) in Part II,-

(i) in the proviso to paragraph 2, for the letters and figures "Rs.1,80,000" and "Rs.1,56,000", the letters and figures "Rs.2,70,000" and "Rs.2,34,000" shall respectively be substituted;

(ii) in paragraph 3, for the figures "11,265", "13,520", "15,766", "18,022", "20,280" and "22,533", the figures "16,898", "20,280", "23,649", "27,033", "30,420" and "33,799" shall respectively be substituted;

(c) in Part III,-

(i) in paragraph 2,-

(A) in clause (b), for the letters and figures "Rs.5,200", the letters and figures "Rs.7,800" shall be substituted;

(B) in the proviso, for the letters and figures "Rs.1,80,000" and "Rs.1,56,000", the letters and figures "Rs.2,70,000" and "Rs.2,34,000" shall respectively be substituted.

CHAPTER-III

AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE ACT, 1958)

6. Amendment of section 13.- In section 13 of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (41 of 1958) (hereinafter referred to as the Supreme Court Judges Act), clause (a) shall be omitted.

7. Insertion of new section 13A.- After section 13 of the Supreme Court Judges Act, the following section shall be inserted, namely:-

"13A. Benefit of added years of service.- Subject to the provisions of this Act, a period of ten years shall be added to the service of a Judge for the purposes of his pension, who qualified for appointment as such judge under sub-clause (b) of clause (3) of article 124 of the Constitution.".

8. Amendment of section 16A.- In the Supreme Court Judges Act, in section 16A, in sub-section (1),-

(i) in clause (a),-

(A) after the words "family pension calculated at the rate of fifty per cent of his salary", the words "plus fifty per cent of his dearness pay" shall be inserted;

(B) after the words "and hereafter at the rate of thirty per cent of his salary", the words "plus thirty per cent of his dearness pay" shall be inserted;

(ii) in clause (b), after the words "family pension shall be thirty per cent of his salary", the words "plus thirty per cent of his dearness pay" shall be inserted.

9. Amendment of section 23.- In section 23 of the Supreme Court Judges Act, in sub-section (1A), for the words "of ten thousand rupees", the words "equivalent to an amount of thirty per cent of the salary plus thirty per cent of the dearness pay" shall be substituted.

10. Amendment of section 23B.- In section 23B of the Supreme Court Judges Act, for the words "four thousand" and "three thousand", the words "ten thousand" and "seven thousand five hundred" shall respectively be substituted.

11. Amendment of the Schedule.- In the Schedule to the Supreme Court Judges Act,-

(a) in Part I,-

(i) in paragraph 2,-

(A) the words "and who has completed not less than seven years of service for pension as a Judge in India" shall be omitted;

(B) in clause (b), for the letters and figures "Rs. 4,020", "Rs.1,21,880" and "Rs.10,240", the letters and figures "Rs.6,030", "Rs.1,82,820" and Rs.15,360" shall respectively be substituted;

(C) in the proviso, for the letters and figures "Rs.1,98,000", the letters and figures "Rs.2,97,000" shall be substituted;

(ii) in paragraph 3,-

(A) the words "and who has completed not less than seven years of service for pension as a Judge in India" shall be omitted;

(B) in the proviso, for the leters and figures "Rs. 1,80,000", the letters and figures "Rs.2,70,000" shall be substituted;

(iii) paragraph 5 shall be omitted;

(b) In Part II,-

(i) in paragraph 2,-

(A) in clause (b), for the letters and figures "Rs.11,265", the letters and figures "Rs.16,898" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 1,98,000" and "Rs.1,80,000", the letters and figures "Rs.2,97,000" and "2,70,000" shall respectively be substituted;

(c) in Part III,-
(i) in paragraph 2,-
(A) in clause (b), for the letters and figures "Rs.5,200", the letters and figures "Rs.7,800" shall be substituted;
(B) in the proviso, for the letters and figures "Rs.1,98,000" and "Rs.1,80,000", the letters and figures "Rs.2,97,000" and "Rs.2,70,000" shall respectively be substituted.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
PR-199
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 50 ಕೇಶಾಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ಅಕ್ಟೋಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಜೂನ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Navy (Amendment) Act, 2005 (No.23 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE NAVY (AMENDMENT) ACT, 2005
AN
ACT

further to amend the Navy Act, 1957.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title.- This Act may be called the Navy (Amendment) Act, 2005.

2. Amendment of section 3.- In section 3 of the Navy Act, 1957 (62 of 1957) (hereinafter referred to as the principal Act), for clause (16), the following clause shall be substituted, namely:-

'(16) "Officer" means a commissioned officer and includes-
(a) a subordinate officer other than a petty officer;
(b) a commissioned officer re-employed as such;

3. Amendment of section 79.- In section 79 of the principal Act, for the words "Provided further that", the following shall be substituted, namely:-

Provided further that in computation of the said period of three years, any time during which,-

(a) the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, which ever is earlier;

(b) it was not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority investigating into the offence, whichever is earlier, shall be excluded:

Provided also that where the istitution of the prosecution in respect of an offence has been stayed by an injunction or order, then, in computing the said period of three years, the period of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn shall be excluded:

Provided also that".

4. Amendment of section 94.- In section 94 of the principal Act, for sub-section (1), (2), (2A) and (3), the following sub-sections shall respectively be substituted, namely:-

"(1) The Central Government may impose on any officer below the rank of commander one or more of the following punishments, namely:-
(a) forfeiture of seniority in rank of not more than twelve months;
(b) forfeiture of time for promotion of not more than twelve months;
(c) mulcts of pay and allowances.

(2) The Chief of the Naval Staff may impose on any officer below the rank of commander one or more of the following punishments, namely:-
(a) foreiture of seniority in rank of not more than six months;
(b) forfeiture of time for promotion of not more than six months;
(c) mulcts of pay and allowances.

(2A)The Flag Officer Commanding-in-Chief of a naval command may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely:-

(a) forfeiture of seniority in rank of not more than three months;
(b) forfeiture of time for promotion of not more than three months;
(c) severe reprimand or reprimand;
(d) mulcts of pay and allowances.

(3) The commanding officer of a ship may, subject to regulations made under this Act, impose on any subordinate officer one or more of the following punishments, namely:-

(a) forfeiture of seniority in rank of not more than three months;
(b) forfeiture of time for promotion of not more than three months;
(c) mulcts of pay and allowances.".

5. Amendment of section 133.- In section 133 of the princial Act, for sub-section (6), the following sub-section shall be substituted, namely:-

"(6) Any document purporting to be a report, under the hand of-

(a) any Chemical Examiner or Assistant Chemical Examiner to the Government;
(b) the Chief Inspector of Explosives;
(c) the Director of Finger Print Bureau;
(d) the Director of Haffkeine Institute, Bombay;
(e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;
(f) the Serologist to the Government,

upon any matter or thing duly submitted to him for examination or analysis, may be used as evidence in any proceeding under this Act.".

6. Amendment of section 151.- In section 151 of the principal Act,-

(a) in sub-section (1), for the words, brackets and figure "sub-section (2)", the words, brackets and figures "sub-sections (2) and (3)" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) Whenever any offender is sentenced by a court-martial to a term of imprisonment, in pursuance of this Act, not being imprisonment in default of payment of fine, the period spent by him in civil or naval custody during investigation, inquiry or trial of the same case, and before the date of order of such sentence, shall be set off against the terms of imprisonment imposed upon him, and the liability of such offender to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him.".

7. Amendment of section 163.- In section 163 of the principal Act, in sub-section (1), clause (e) shall be omitted.

8. Insertion of new section163A.- After section 163 of the principal Act, the following section shall be inserted, namely:-

"163A. Provision relating to parole.- Where any person is tried under the provisions of this Act, the Central Government or the Chief of the Naval Staff or the Flag Officers Commanding-in-Chief of the Naval Commands may in the case of conviction either with or without conditions release the person on parole.".

9. Amendment of section 176.- In section 176 of the principal Act, in clause (b), for the words "ten thousand rupees in value", the words "the prescribed amount not exceeding rupees one lakh in value" shall be substituted.

10. Amendment of section 184.- In section 184 of the principal Act, in sub-section (2), after clause (q), the following clause shall be inserted, namely:-

"(qa) the amount required to be prescribed under clause (b) of section 176,".

11. Omission of Chapter XXII.- Chapter XXII of the principal Act and the heading relating thereto shall be omitted.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

PR-198